

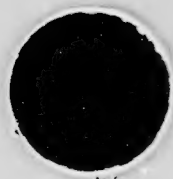
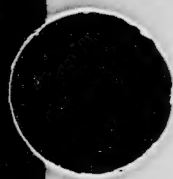
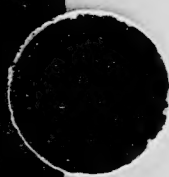
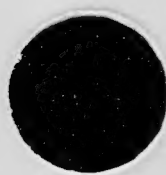
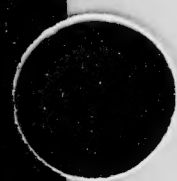


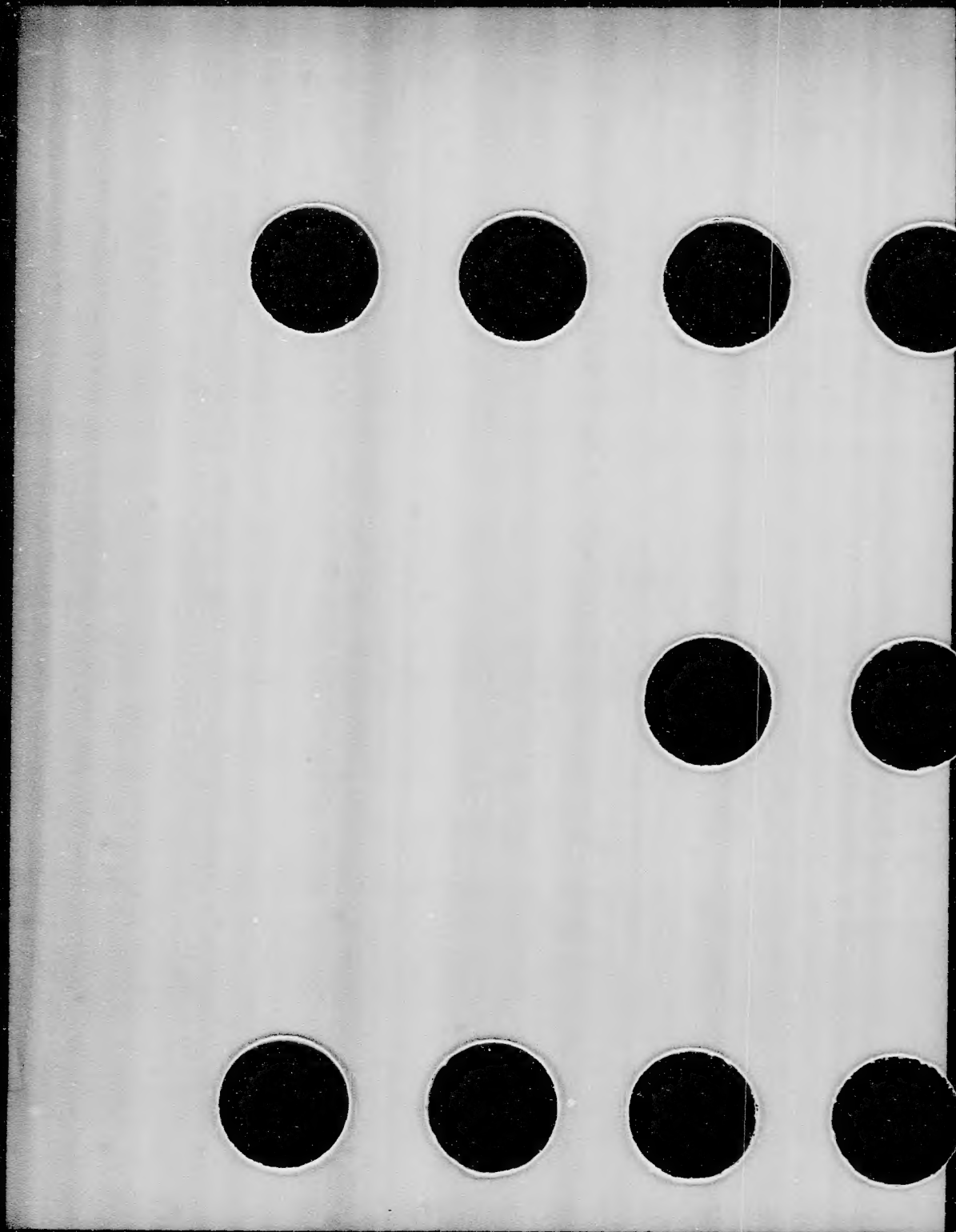


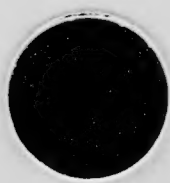


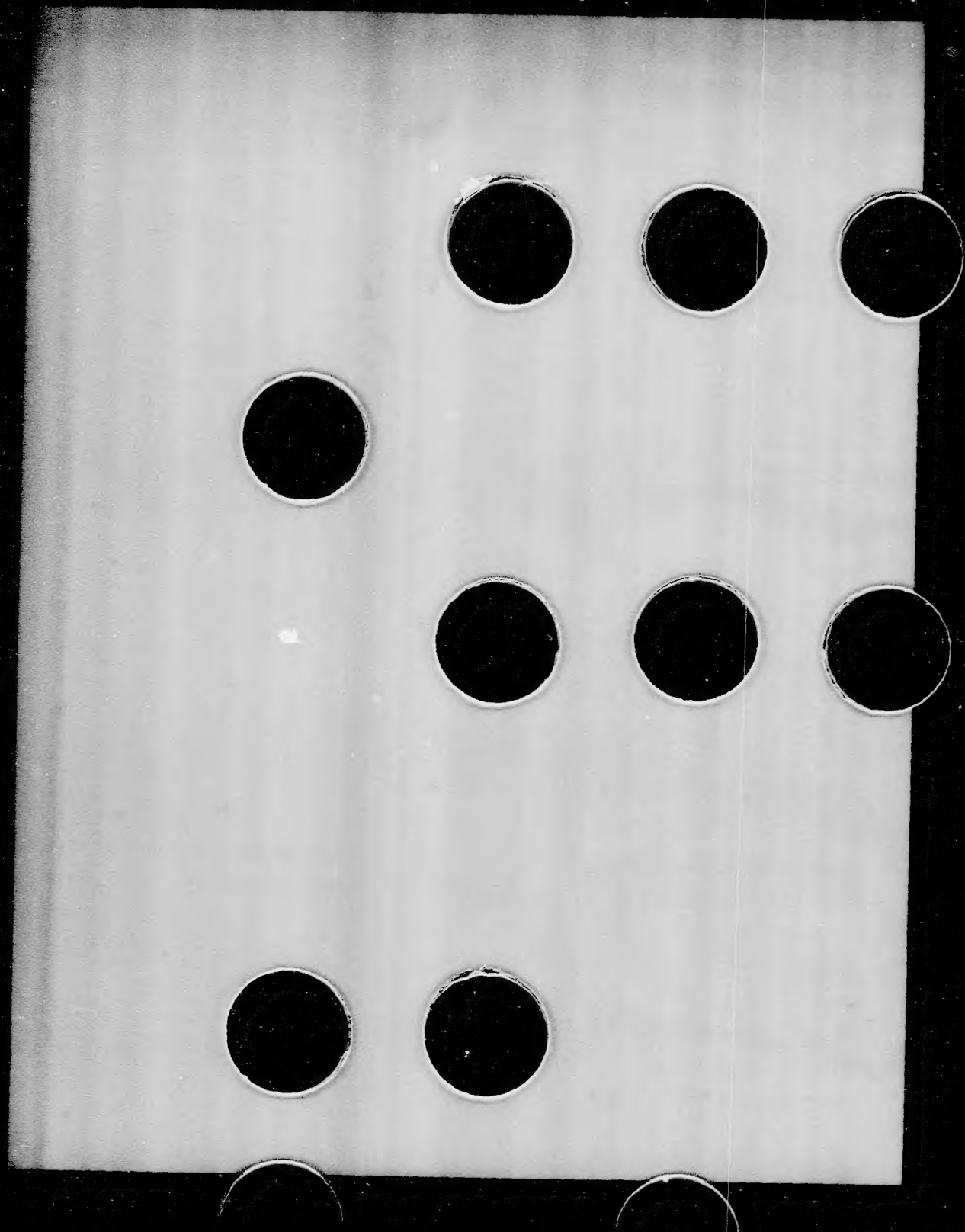
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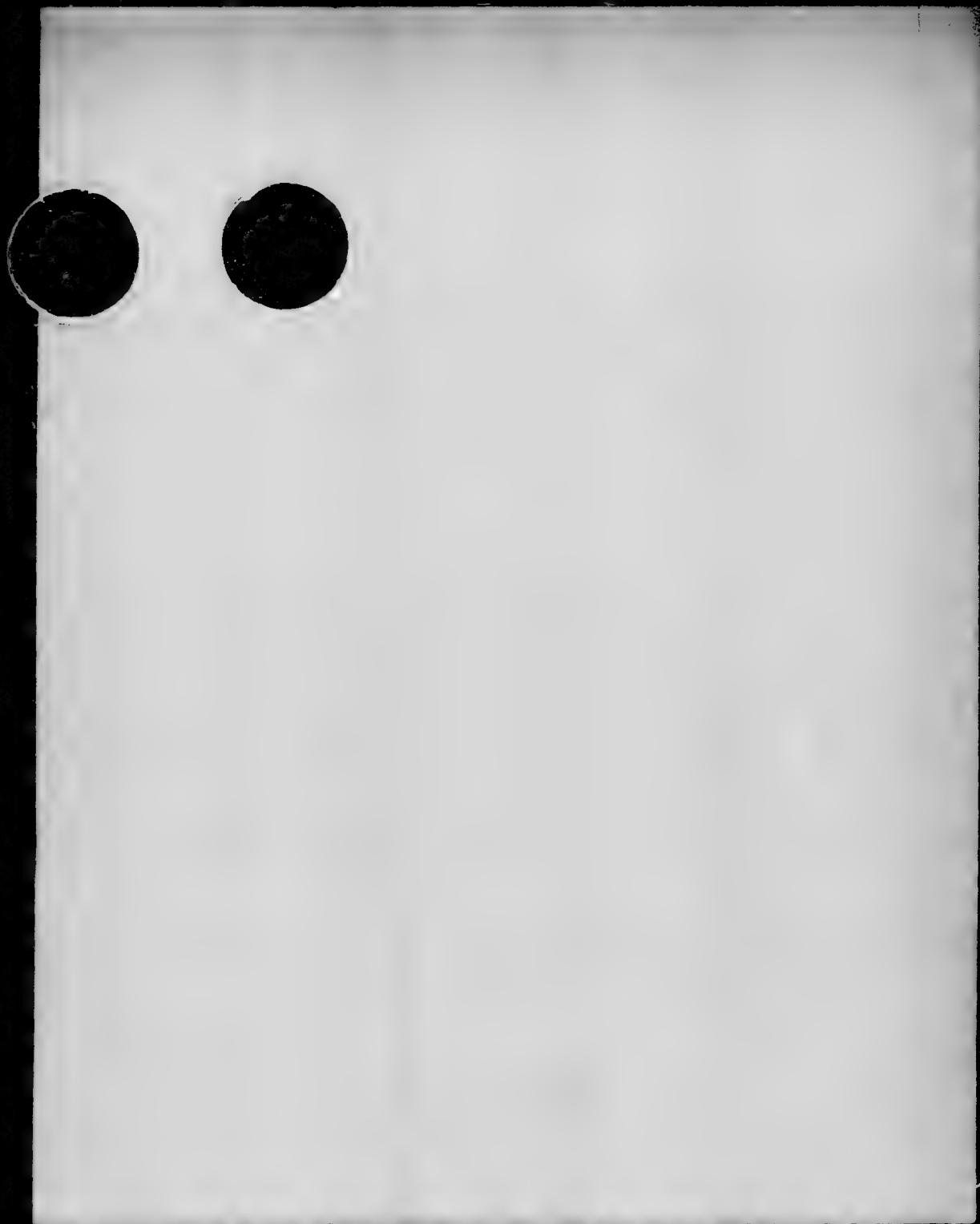
HB-2

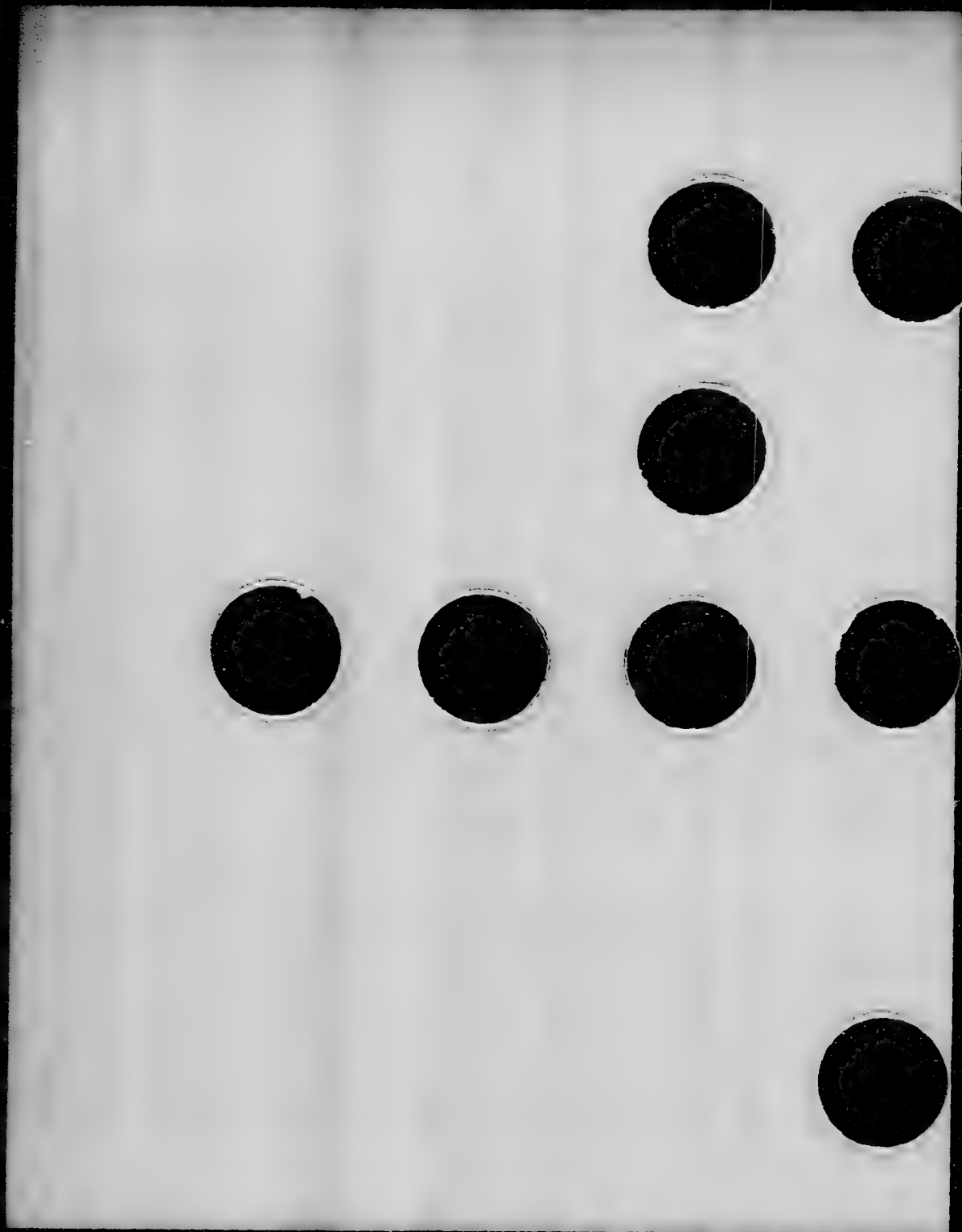


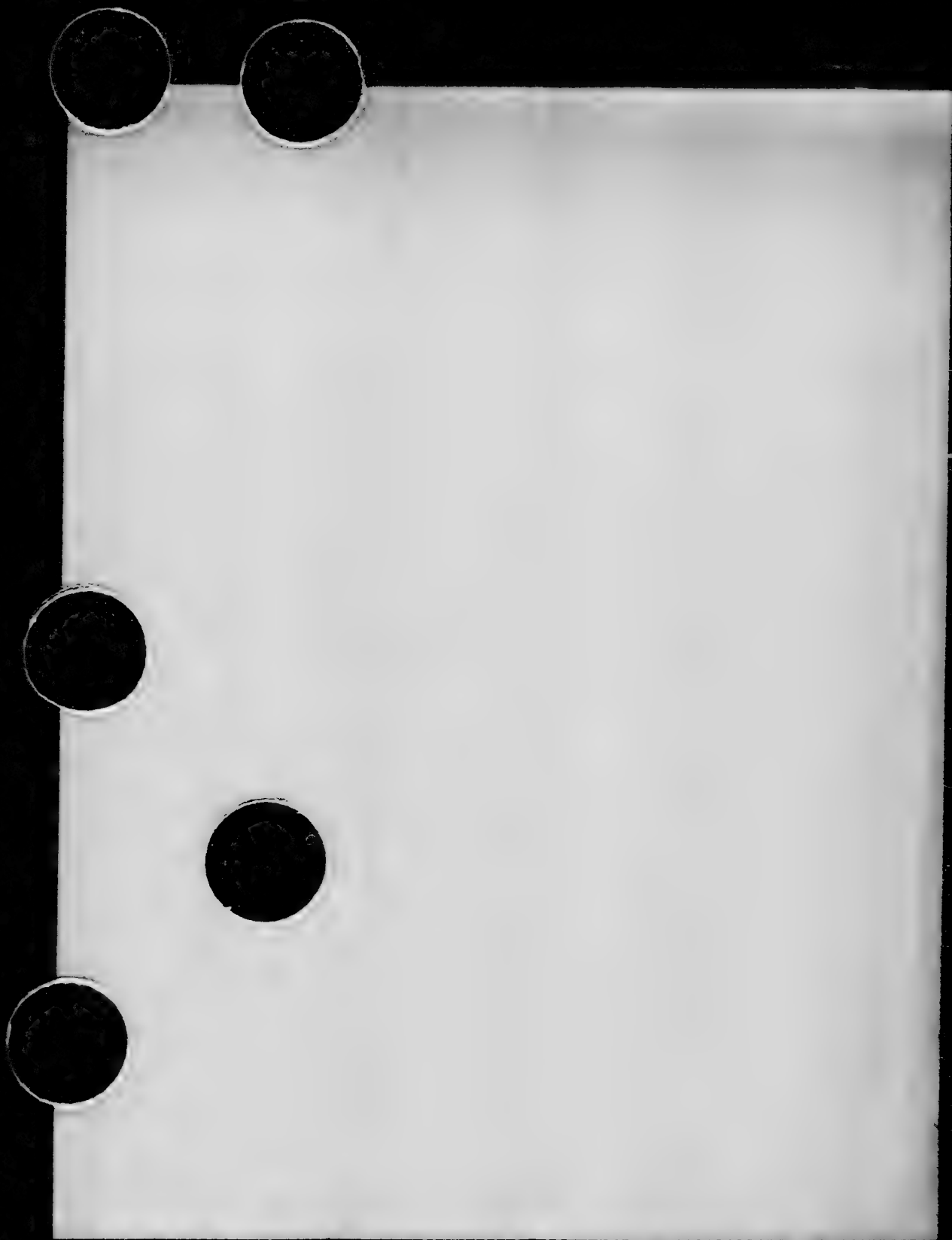


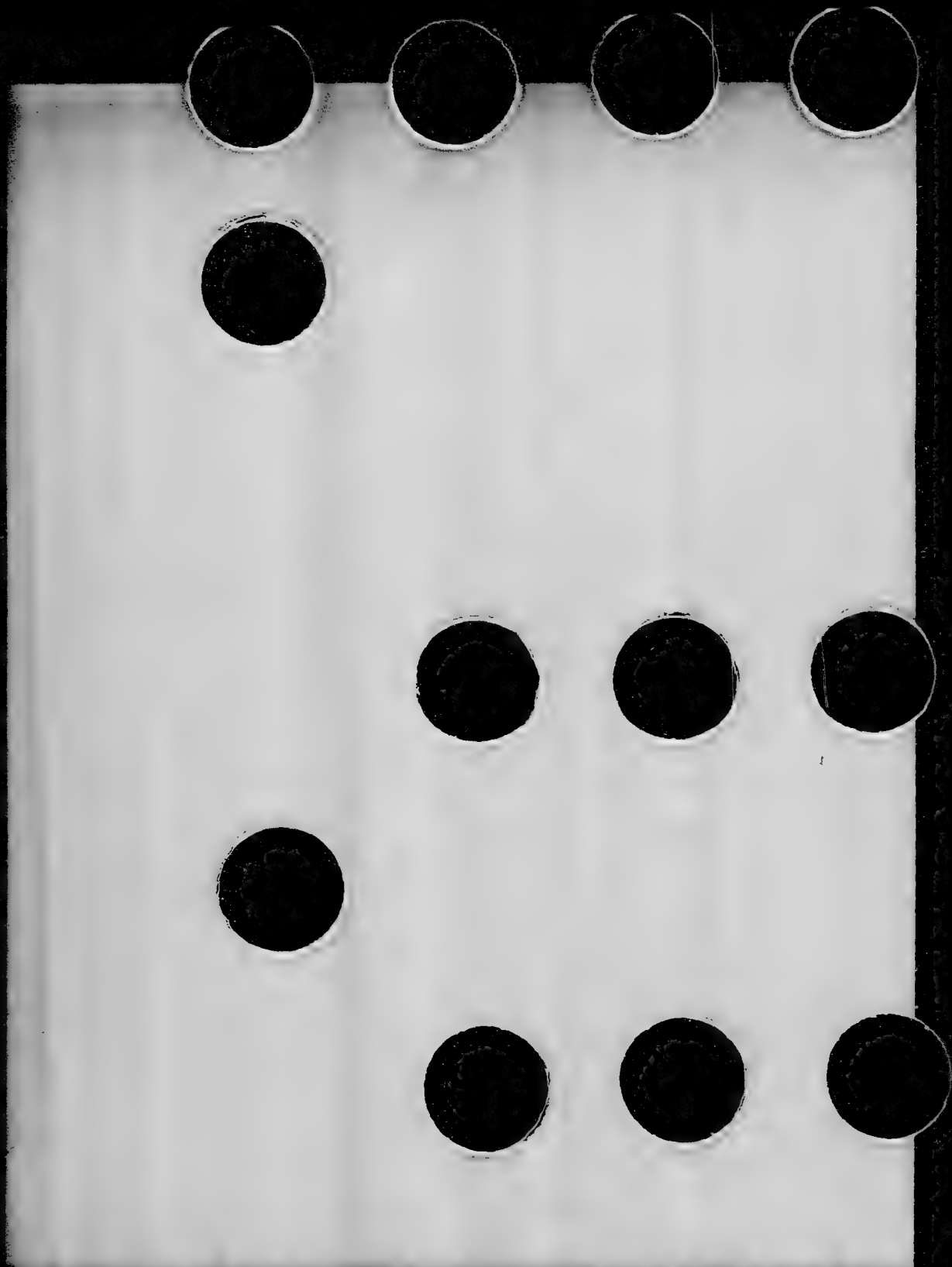


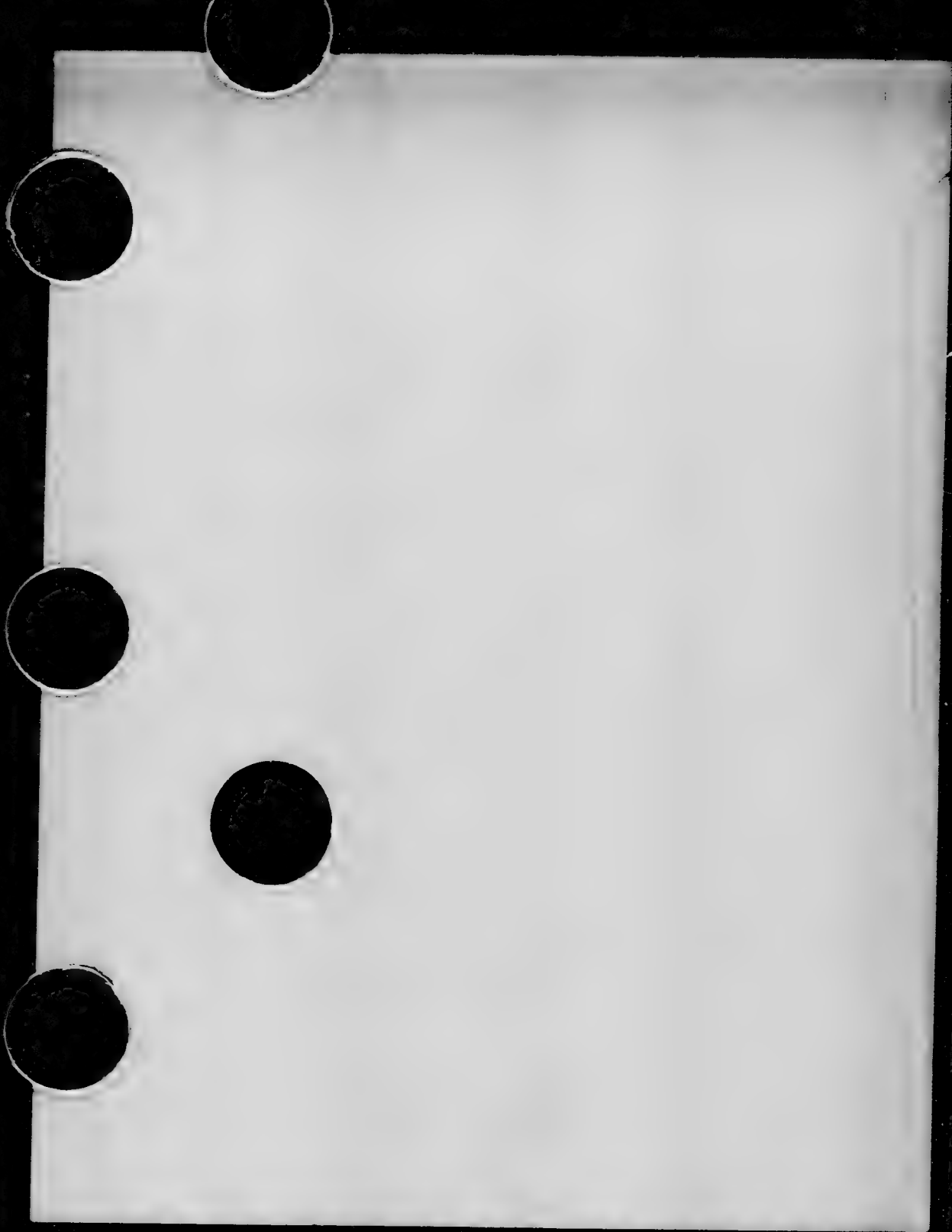


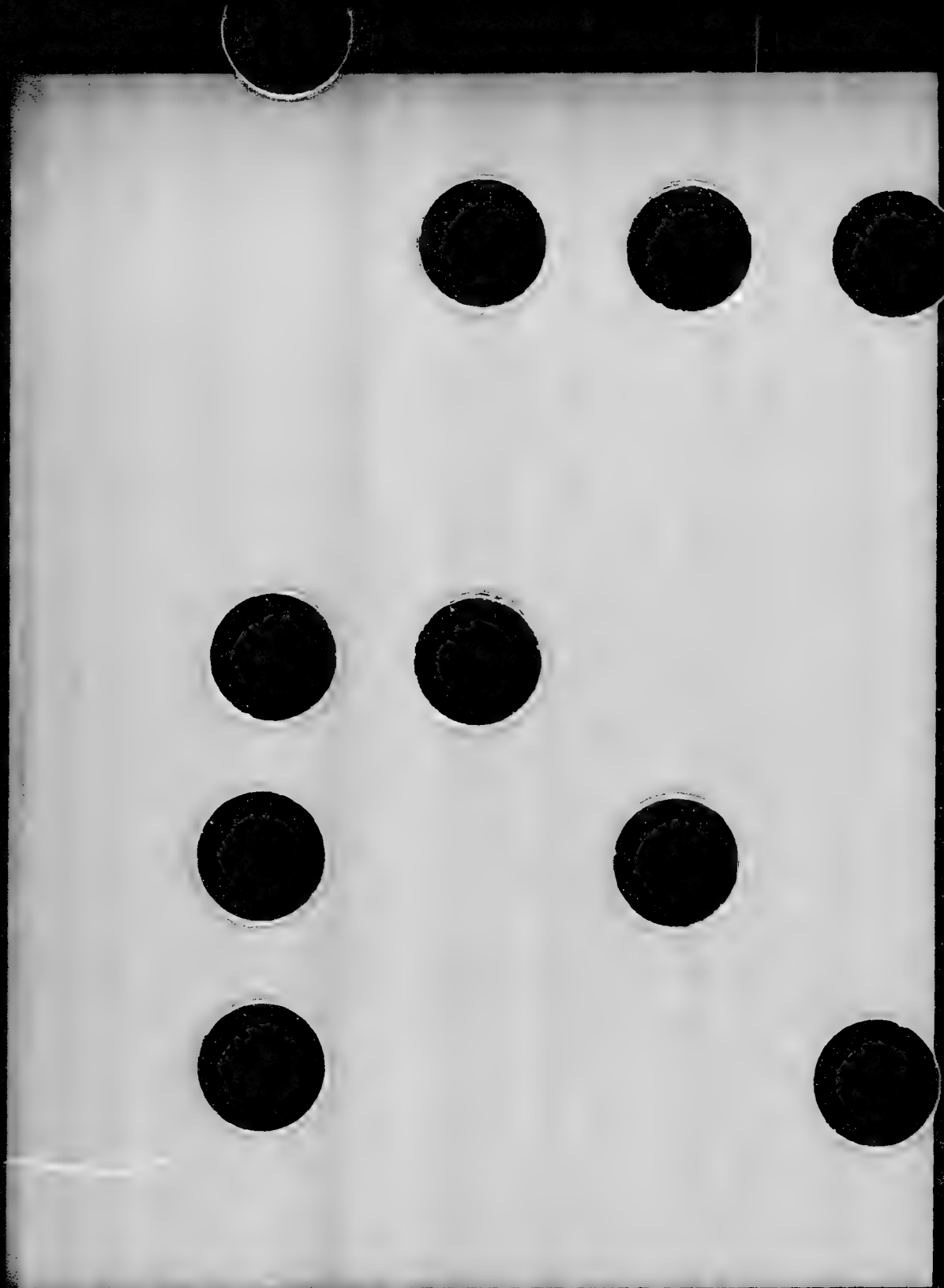




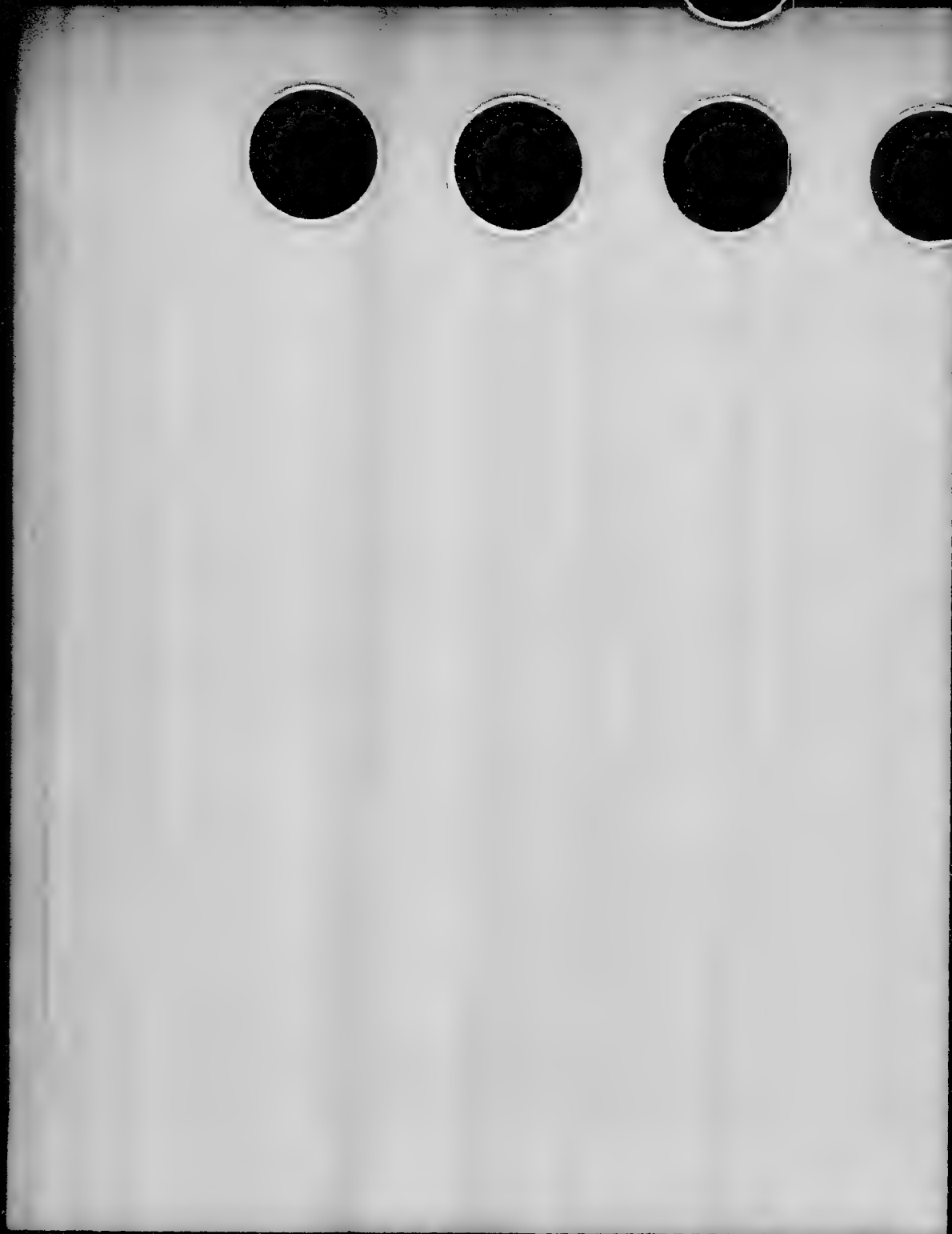












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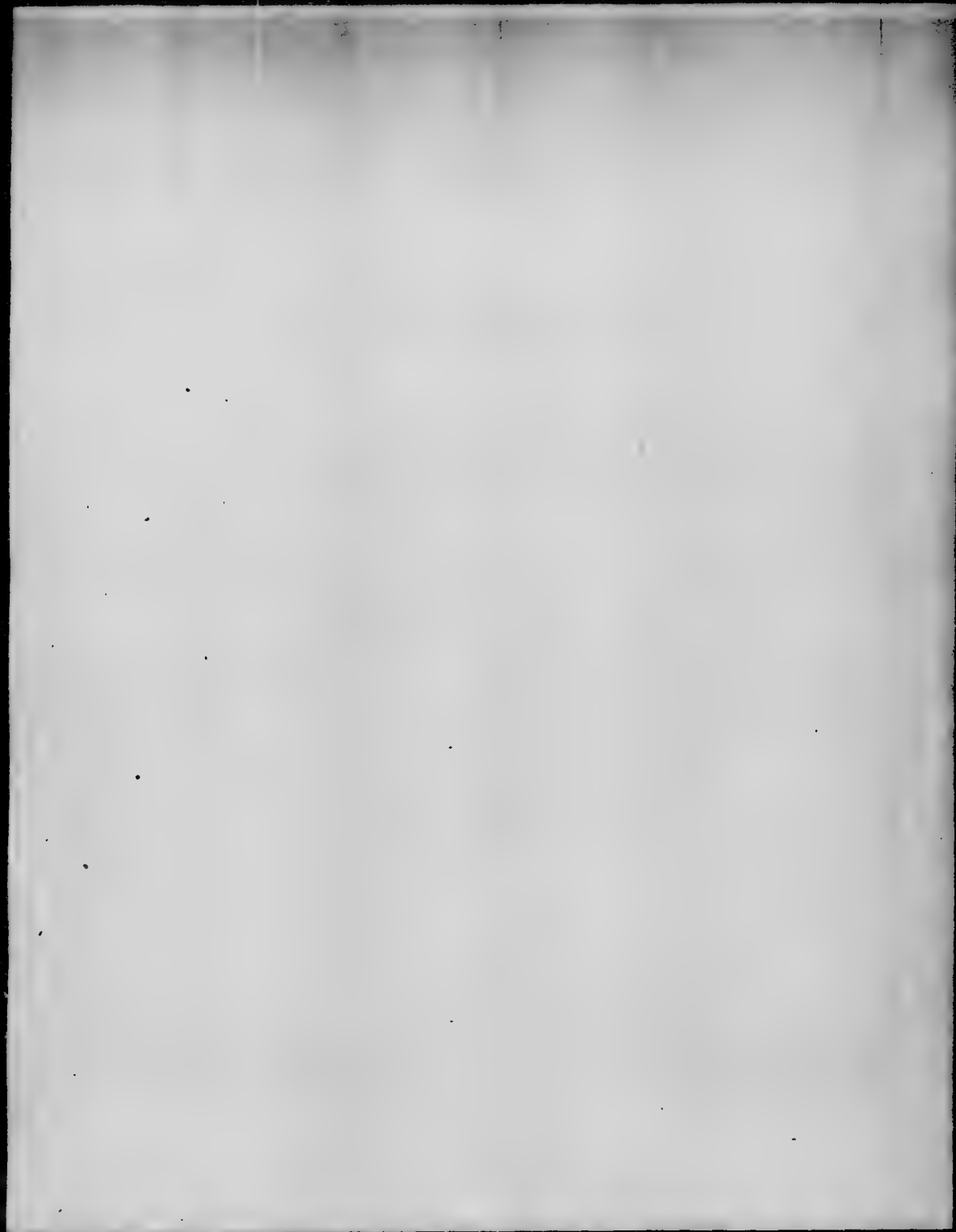
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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL MINUTES

SCHEDULE REFERENCE

PAGE 3 ITEM 28





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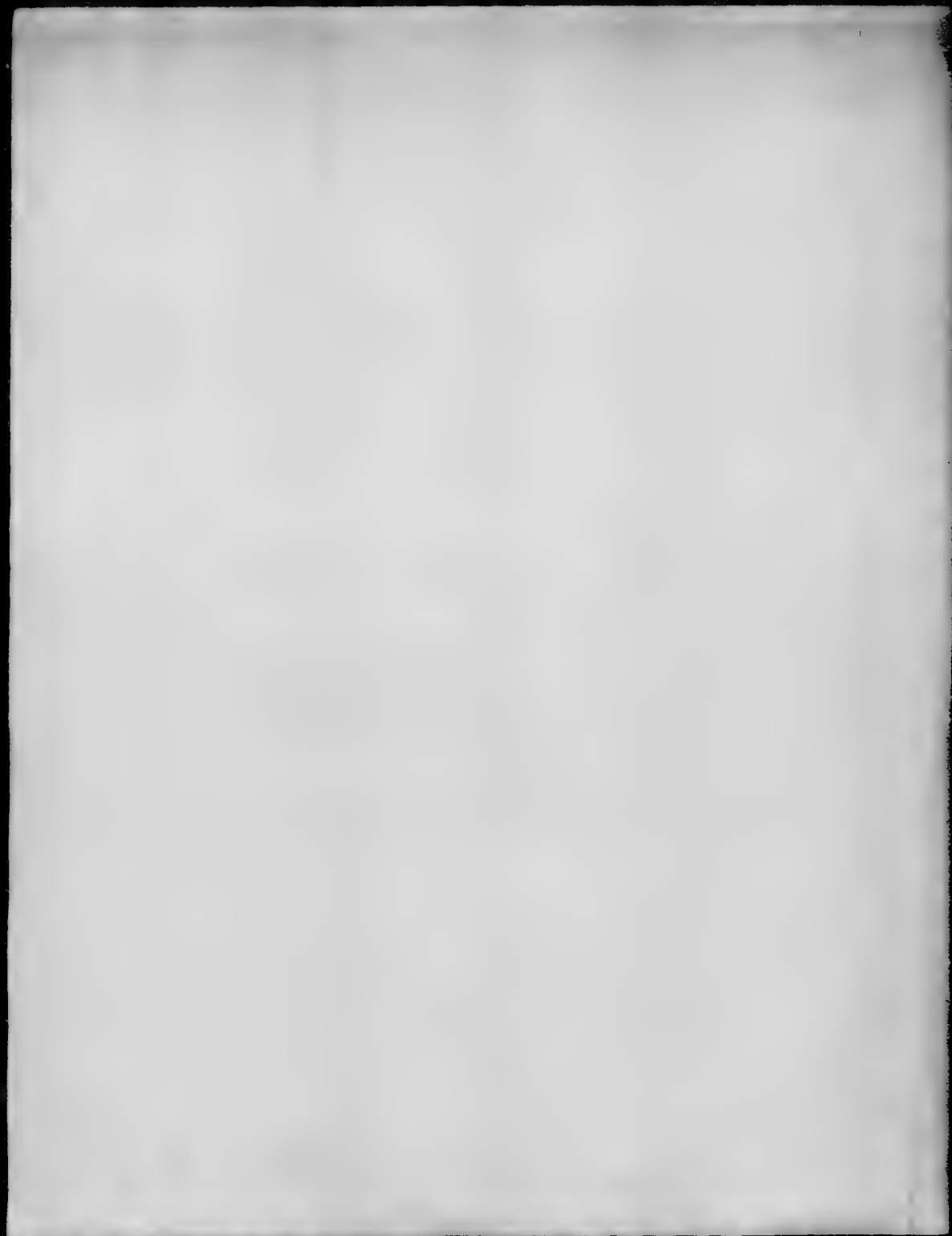
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<u>Airport - Air safety award for 1978 - received from Southeastern Airport Managers' Association</u>	74
<u>Appropriations - budget hearing - adopting budget for 1979-80 hearing and 1st reading, page 79; 2nd reading, page ; 3rd reading, page</u>	79
<u>Asheville - murals in the Council Chambers</u>	85
<u>A & H Flying - off-premise servicing of aircraft & rental of transit ramp area at Airport</u>	93
<u>Airport - off-premise servicing of aircraft & rental of transit ramp area by A & H Flying</u>	93
<u>Akzona - granting of easements in Public areas adjoining its building</u>	94
<u>Airport - engineering services for strengthening of Runway 16-34</u>	94
<u>Airport - revise funding for the runway extension project & establish funding for paving, lighting, obstruction removal, overlay and snow removal equipment.</u>	94
<u>Alarm systems - authorization to file subgrant application for portable alarm system</u>	105
<u>Annexation of Asheville Country Club - requests for council to consider</u>	105
<u>American Enka Week - Proclamation for week of July 1 - 7, 1979</u>	107
<u>Asheville Civic Center Commission - Ordinance establishing commission amended relative to composition and terms of members.</u>	110
<u>Airport - Agreement terminating United Air Lines Lease Agreement</u>	111
<u>Airport - agreement with Wheeler Airlines, with respect to terminal space rental and landing fees.</u>	112
<u>Apple Tree Chevrolet - awarded bids for vehicle and trucks for Parks and Recreation Dept.</u>	112
<u>Asheville City School District Lines - Vice-Mayor Horton requested information relative to coinciding lines with city limits.</u>	114
<u>Agencies - budget amendment to fund outside agencies</u>	125
<u>Art Museum - amendment to restore funding for direct support</u>	126
<u>Asheland - naming of street</u>	126
<u>Airport Plaza - right-of-way agreement with NCDOT for water main</u>	127
<u>Alabama Avenue - intent to close portion and calling public hearing</u>	127
<u>Audits - received for Appalachian Regional Grant Program/Charlotte Highway Water Line and the Community Development Block Grant</u>	278
<u>Appalachian - (see above)</u>	278

"A"

<u>Asheville Housing Authority</u> - resolution re: low-rent public housing in East End/Valley Street Project area.	3
<u>Appropriations</u> - ordinance amending budget - ratifying budget amendments through March, 1979	4
<u>ABC Revenues</u> - distribution of revenues discussed	10
<u>Asheville Transit Authority</u> - Deficit discussed	11
<u>Asheville Contracting Company</u> - agreed to uncover sewer line and replace in Chunns Cove	11
<u>Airport Authority</u> - Discussion of establishment	11
<u>Aston Park Facility</u> - Amended group development plan approved	12
<u>Asheville-Buncombe County Youth Council</u> - Proclamation - Youth-in- Government Day - May 17, 1979	17
<u>A-B Tech</u> - Training Course for employees "Principles of Supervision"	18
<u>Airport</u> - Zoning of Airport Property of HI, Heavy Industrial hearing, page 20; first reading, page 20; second reading, page 55; third reading, page 67 ;	20
<u>Airport Gift Shop</u> - Lease authorized with Glenda D. Bowles	22
<u>Airport</u> - temporary right-of-way encroachment agreement with N. C. Dept. of Transportation in connection with Airport Runway Extension.	23
<u>Airport</u> - authorizing the submission of an application for strengthening Runway 16-34 at the Airport.	24
<u>Airport</u> - Amendments to car rental agreements with Hertz, Avis and National Car Rentals	24
<u>Avis</u> - Amendment to car rental agreement at the Airport	24
<u>Asheville Contracting Company</u> - discussion re: rock dumping in Chunns Cove - complaint by Herb Moore	24
<u>Airport</u> - Budget amendment approved for septic tank repairs	59
<u>Aging Programs</u> - Land-of-Sky Regional Council advertising for bids for Meal Program	61
<u>Airport</u> - resolution re: authorization of Mayor to sign agreement with Piedmont Aviation, Inc.	69
<u>Aviation</u> - Resolution re: authorizing the Director of Aviation to sign an agreement with Federal Aviation Administration for VASI-4 Electric Power	72
<u>Areawide Action Program</u> - Resolution re: endorsing the update for fiscal year 1979-80	74

<u>Airport</u> - contract with Skyland Janitorial Service for Annual custodial services	201
<u>Asheville-Buncombe County Youth Council</u> - grant from N. C. Youth Advisory Council for the WNC Nature Center Project of the A-B County Youth Council	201
<u>Aviation Authority Concept</u> - officially approved - general concept	204
<u>Asheville-Buncombe County Local Government Study Commission Report</u> - reintroduced	204
<u>Asheville High School</u> - commendation to the Marine Corp Junior Reserve Officer Training Corp unit for being named winner of the 1978-79 Marine Corps Reserve Officers's Association best unit award.	205
<u>Annexations</u> - Councilman Rainey requested public hearing on annexations of Asheville Country Club Property and area off Patton Avenue near Hilton	209
<u>Asheville Country Club Property</u> - Councilman Rainey requested public hearing on annexation of this property	209
<u>Airport</u> -special meeting called to execute contracts and award grant agreement for the paving and lighting of 1,500' runway and taxiway extension	217
<u>Airport</u> - Change Orders 3 and 4 executed for Champion Contracting Company for project known as site preparation for 1,500' Runway and Taxiway Extension	219
<u>Arnold, Maureen B.</u> - claim against the City	220
<u>Airport</u> - awarding grant agreement for paving and lighting 1,500' runway and taxiway extension.	225
<u>Airport</u> - awarding contracts for paving and lighting 1,500' runway and taxiway extension.	225
<u>Asheville Paving Company, Inc.</u> - awarded contract for paving 1,500' runway and taxiway extension.	225
<u>Annexations</u> - discussion relative to scheduling public hearing for the annexation of the Asheville Country Club Property and Regency Park Property.	229
<u>Asheville Country Club</u> - discussion relative to scheduling public hearing for the annexation of this property.	229
<u>Annexation</u> - resolution scheduling public hearing relative to annexation of Asheville Country Club Property, page 235; hearing and 1st reading, page 296,310; 2nd reading, page 310 ; 3rd reading, page 316 . adoption of annexation plan, page 279	
<u>Asheville Country Club Property</u> - scheduling of public hearing relative to annexation, page 235; hearing and 1st reading, pg. 296,310; 2nd reading, page 310 ; 3rd reading, page 316 . adoption of annexation plan, page 279 ;hearing continued, pg. 352	
<u>Annexation</u> - resolution scheduling public hearing relative to annexation of Regency Park, page 238; hearing and 1st reading, page ; second reading, page ; third reading, page . - adoption of plan discussed, page 286; Rescheduled 304. hearing continued,page 343	
<u>Airport</u> - Change Orders 5 and 6 executed for Champion Contracting Company for project known as site preparation for 1,500' Runway and Taxiway Extension .	240

"A"

<u>Alarm System</u> - regulations for alarm system businesses, systems and users	132
1st reading, page 132; 2nd reading, page 141; 3rd reading, page 150(delayed)	158.
<u>Asheville</u> - appointing members to Asheville-Buncombe Historic Resources Commission	138
<u>Aston Park</u> - authorizing establishment of annual permits for tennis courts	143
<u>Asheville Sanitation Service Company</u> - low bid for bulk container refuse collection for various city departments	144
<u>Airport</u> - terminating United Air Lines' Tank Farm Lease	144
- agreement with Smoky Mountain Region of Porsche Club of America re: autocross	145
<u>Anderson, J. E.</u> - Claim	146
<u>Asheville Airport</u> - escrow agreement with Champion Contracting Company	147
	151
<u>Air Pollution Control</u> - agreement with Western NC Regional Air Pollution Control Agency	152
<u>Asheville Area</u> - contract with Chamber of Commerce re: travel promotion	152
<u>Alarm Ordinance</u> - comments by Jim Daniels	154
<u>American Locker Company</u> - agreement for lockers in terminal bldg at airport	160
<u>Asheville Airport</u> - (see above)	160
<u>Alabama Avenue</u> - resolution to close portion	163
<u>Asheville-Buncombe County Youth Council</u> - appointing members	165
<u>Asheville</u> - request for status on annexation of country club	166
<u>Annexation</u> - (see above)	166
<u>Asheville-Hendersonville Airport</u> - quitclaim deed given to L. A. White for property at the old A-H Airport.	171
<u>Ayers, Mr. Fred D.</u> - Claim against the city	173
<u>ABC Board</u> - consideration of lease agreement for city property on Airport Road for ABC Store - action postponed, page 200; final action, page .	200
<u>Airport Road</u> - consideration of lease agreement for city property on this road for ABC Store- action postponed, page 200; final action, page .	200

<u>Asheville-Buncombe County Youth Council</u> - resolution appointing members to same.	323
<u>Affirmative Action</u> - status report.	328
<u>Annexation</u> - petition; New Leicester Highway near Camelot Subdivision; referred to Planning and Zoning, Marietta Cobb Apartments Co., pg. 348 hearing and 1st reading, page 371- 2nd and 3rd reading, page 379	328
<u>Arendale, Helen R.</u> - appeal on decision by the Board of the Asheville Policemen's Pension. of Trustee's	330 350 366
	action- 376
<u>Asheville Transit Authority</u> - authorizing Director of Finance to sell surplus property of Asheville Transit Authority - two Chevrolets and one metal Atlas lathe.	337
<u>Asheville Transit Authority</u> - contract with Mayhew Construction Company to furnish and install doors on the bus storage shed.	346
<u>Airport Authority</u> - appointment of members to the Authority - Harold C. Enloe, William F. Wolcott, Jr., and Richard L. Haber	355
<u>Asheville Transit Authority</u> - appointment of Richard V. Gallagher	356
<u>Avery's Creek Sanitary District</u> - accepting conveyance of certain water lines located in this district.	366
<u>Asheville Transit Authority</u> - bids for bus washer, fuel tank and reclamation system	382
<u>Alley</u> - in West Asheville adjacent to First Union National Bank and Grace Baptist Church petitioned to be closed - hearing scheduled, page 382 - hearing and approval, page .	382
<u>Asheville Regional Airport</u> - authorization for Six Associates to prepare plans and specifications for enlargement of baggage/claim area of Airport.	383
<u>Air Pollution Board</u> -reappointment of Dr. Roy Roberts	383
<u>Asheville Transit Authority</u> - reappointment of Mr. Roy Meece	383

"A"

<u>Airport</u> - amendment no. 4 to the contract for engineering services with Talbert Cox and Associates, Inc.	244
<u>Akzona Project</u> - budget amendment of Revitalization Project Fund for water and sewer improvement in conjunction with this project.	257
<u>Animal World</u> - claim against the City	258
<u>Airport</u> - bids accepted for one (1) pick-up truck for Asheville Airport	271
<u>Alcoholic Control Board</u> - appointment of Mrs. Celeste Loftin to Board	280
<u>Airport</u> - execution of change order #7 with Champion Contracting Company for project known as Site preparation for 1,500' Runway and Taxiway Extension.	280
<u>Airport</u> continuing lease betwenth the FAA and the City to coincide with FAA change in fiscal year.	280
<u>Appropriations</u> -ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance in effect as of July 1, 1979 (revision of certain appropriations)	288
<u>Asheville Revitalization Commission</u> - requested to do study on the effects rural shopping centers will have on downtown revitalization- particularly the proposed shopping center on South Bear Creek Road.	289
<u>Appalachian Hall</u> - Hearing to rezone property on Caledonia Road for Appalachian Hall hearing scheduled, page 313; hearing and 1st reading, page 341 ; 2nd reading, page 353; 3rd reading, page 353 .	
<u>Asheville Terrace Apartments</u> - Hearing scheduled on the approval of group development site plan for Asheville Terrace Apartments on Tunnel Road; page 313. Hearing and approval, page 318..	
<u>Asheville Airport</u> - bids received for one (1) Snow Removal Vehicle -- Arrowhead international Truck Sales, Inc.	313
<u>Asheville Civic Center Commission</u> - ordinance amending Ordinance No.933, known as "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY ...ASHEVILLE CIVIC CENTER COMMISSION". 1st reading, page 317, 2nd reading, page 317, 3rd reading, page 317.	
<u>Asheville Civic Center</u> - resolution amending regulations for the administration of the Civic Center adopted.	318
<u>Airport</u> - resolution changing the name of the Asheville Airport to the Asheville Regional Airport; adopted.	
<u>Airport Authority Agreement</u> - resolution approving the Airport Authority Agreement; agreement signed.	320

<u>Budget Amendment</u> - reflecting increases in various revenues and line item requirements.	60
<u>Budget Amendment</u> - Majorette Uniforms for Hillcrest Enrichment Program	61
<u>Bond Debt Service</u> - selection of an independent depository to manage the Sinking Fund Water Bond Debt Service	61
<u>Bids</u> - Color Print Processing Equipment for the Police Dept. to V.W.R. Scientific	61
<u>Baker, Mr. Ken</u> - Claim against the City	62
<u>Bishop, Ralph</u> - spoke relative to lottery sales	96, 62, 74
<u>Boxing and wrestling</u> - Resolution re: Appreciation to Dr. Leon H. Feldman for services as chairman of the commission	64
<u>Booking Policies</u> - Resolution re: amendment establishing regulations for the operation of the civic center	68
<u>Bids</u> - one (1) 10-yard vacuum type street sweeper - street department	71
<u>Beaumont Street</u> - Resolution calling for a public hearing re: demolishing dwelling houses; hearing and 1st reading, page 107, 2nd reading, page 117 3rd reading, page 130 .	72
<u>Burglary Prevention Month</u> - Proclamation for Month of June, 1979	75
<u>Budget for 1979-80</u> - hearing and 1st reading, page 79; 2nd reading, page 85 ; 3rd reading, page 97 ;	
<u>Bars</u> - Ordinance regulating placement of in City- first reading, page 81. second reading, page 90 ; third reading, page 100 .	
<u>Blankenship, Michael</u> - Petition presented to Council for organization of manuscript of the late Dr. J. A. Sondley	84
<u>Budget Amendment</u> - revise funding for the runway extension project and establish funding for paving, lighting, obstruction removal, overlay and snow removal equipment.	94
<u>Budget</u> - partial funding for LEAA settlements.	95
<u>Budget Amendment</u> - Water and Sewer Improvements for Patton Mountain Reservoir	109
<u>Budget Amendment</u> - Asheville General Fund - for Street Paving from sinking fund monies	109 124
<u>Budget</u> - ordinance summarizing and ratifying budget amendments made through June 28, 1979	110
<u>Bids</u> - one (1) trailer mounted self contained irrigation system for use at the Memorial Stadium.	112
<u>Bids</u> - for five (5) dump trucks for Asheville Street Department	112
<u>Bids</u> - for one 4 wheel drive vehicle and 2 3/4 ton pickup trucks for Parks and Recreation Dept.	112

<u>"Bottle Bill"</u> - Council discussed proposed legislation of "Bottle Bill" by General Assembly.	1
<u>Budget</u> - Ordinance ratifying budget amendments made by motion thru March, 1979.	4
<u>Budget Amendment</u> - for renovation of the Harvest House	4
<u>Bishop, Ralph</u> - spoke relative to lottery sales	5
<u>Board of Adjustments</u> - discussion relative to notifying property owners	10
<u>Bids</u> - One (1) truck - water department - leak detection service	10
<u>Boyd, Mr. Bruce</u> - Claim against the City	15
<u>Bishop, Ralph</u> - spoke relative to drugs during rock concerts at Civic Center	16
<u>Brady, Joseph L.</u> - resolution of appreciation for services as Chairman of Planning and Zoning Commission.	17
<u>Budget Amendment</u> - Appropriating funds for North Asheville Park	21
<u>Bowles, Glenda D.</u> lease executed for gift shop at the Airport	22
<u>Board of Adjustments</u> - authorizing filing fee for appellants to the Board hearing scheduled, page 23; hearing and 1st reading, page 88 ; second reading, page 101 ; third reading, page ;	23
<u>Bids</u> - Bids for recording equipment and accessories for the Hillcrest Community Center, to Stero-Corral.	23
<u>Bids</u> - Estimated twelve (12) months requirements for water meters to Neptune Water Meter Company	23
<u>Budget for 1979-80-</u> discussion re: cutting of budget - discussion by residents of Shiloh Center	25
<u>Bishop, Ralph</u> - relative to lottery sales	25
<u>Budget- 1979-80</u> - Presentation of budget scheduling of public hearing, page hearing and 1st reading, page ; 2nd reading, page ; 3rd reading, page ;	26
<u>Budget -1979-80-</u> discussion by Senior Citizes re: deleting of van for transportation.	55
<u>Brooklyn Road Project Area</u> - condemnation of property -Parcel #5	58
<u>Budget Amendment</u> - revising the City of Asheville Data Processing Equipment.	58
<u>Budget Amendment</u> - funding for septic tank repairs at the Airport	59

<u>Bass, Harold</u> - proclamation - August 11, 1979	161
<u>Biltmore Railway Station</u> - letter from Southern Railway System	161
- comments assuring preservation of	167
<u>Bowie, Orma</u> - complaint	162
<u>Bishop, Ralph</u> - lottery sales, parking tickets	162
"	167
<u>Bele Chere 1979</u> - appreciation to leadership, administration and participation	163
<u>Bids</u> - approval for two snow plows for street division	165
<u>Board of Adjustment</u> - appointing members	165
<u>Budget Amendment</u> - reprogram available funds for needed sanitary sewer line improvements in West Asheville Community Development area	166
- to provide funding for one LEAA settlement	166
- to provide funding from Sinking Funds for Water Maintenance facility improvement project	166
<u>Burroughs Corporation</u> - lease agreement with this company for computer equipment to replace the city's three existing mini-computers.	170
<u>Burroughs Corporation</u> - contract for maintenance on computer equipment for Criminal Justice Information System equipment.	171
<u>Budget Amendment</u> - additional funding allocated to Hillcrest Enrichment Program received from N. C. Dept. of Crime Control and Public Safety.	172
<u>Bowie, Orma</u> - report on complaint received from this person on August 9, 1979	172
<u>Buck Stove Weekend</u> - Proclamation for August 24, 25, 26, 1979	173
<u>Beckwith, Lloyd E.</u> - claim against the City	
<u>Bishop, Ralph</u> - spoke to Council relative to lottery sales	174
<u>Baseball Game</u> - Police/Fire Baseball Game -invitation to Council members for August 30, 1979	175
<u>Battery Park Hotel</u> - Presentation by Housing Projects, Inc., Battery Park Hotel, Inc. and Battery Park Associates, Ltd, relative to denial of Certificate of Appropriateness by the Asheville Revitalization Commission. Review of documents - denial rescinded by Asheville Revitalization Commission, page 207 .	183
<u>Budget Amendment</u> - for office furniture for Public Works Department	201
<u>Budget Amendment</u> - for implementation of 1979/80 Pay Plan	202
<u>Budget Amendment</u> - to continue operations of Recreation Park through December 31, 1979	203
<u>Bus Service</u> - Petition from residents of Richmond Hill for extension of bus service	203
<u>Bishop, Ralph</u> - spoke relative to lottery sales	204

<u>Budget Amendment</u> - City of Asheville First, Second, Third and Fourth Year	112
Community Development Fund budgets for 1975-76, 1976-77, 1977-78, 1978-79.	
<u>Brown, Mr. Thurston</u> - Claim against the City	114
<u>Baldwin, Jimmy Ray</u> - Claim against the City	114
<u>Budget</u> - Additional funding approved for the Library budget	115
<u>Bishop, Ralph</u> - spoke relative to lottery sales and redress to Council	116
<u>Budget Amendment</u> - funding for outside agencies	125
- support for art museum	126
<u>Bele Chere</u> - promotion program by Asheville revitalization commission	128
- proclamation - August 9, 10, 11, 1979	130
<u>Bus Shelter</u> - contract with Lipe and Stahle Construction	133
<u>Biltmore</u> - request that the Southern Railway Station not be demolished	134
<u>Bids</u> - approval for Chemicals for Treatment of Water	136
- approval cast iron water main fittings for Water & Sewer Dept	137
<u>Buncombe County Employment and Training Office</u> - authorization to submit application for CETA funds	137
<u>Boozer, J. Michael</u> - appointing to Board of Examiners	137
<u>Bishop, Ralph</u> - redress of council	140
- lottery sales and redress of council	147
<u>Bulk</u> - bids for bulk container refuse collection	144
<u>Buncombe County Rescue Squad</u> - execution of Letter of Agreement for mutual aid and rescue services	145
<u>Budget</u> - to provide funding for Bele Chere Festival	145
<u>Bele Chere</u> - (see above)	145
<u>Budget</u> - supporting advertisement of "Cool Green Asheville"	146
<u>Bele Chere</u> - authorizing certain official action	153
- report on events	155
<u>Budget Amendment</u> - amending the Revenue Sharing Trust Fund	158
- appropriations for safety-to-life requirements	159
<u>Bids</u> - approval for Safety to Life Requirements for City Hall Bldg	160
<u>Budget Amendment</u> - amending City Parks & Recreation Fund budget	160

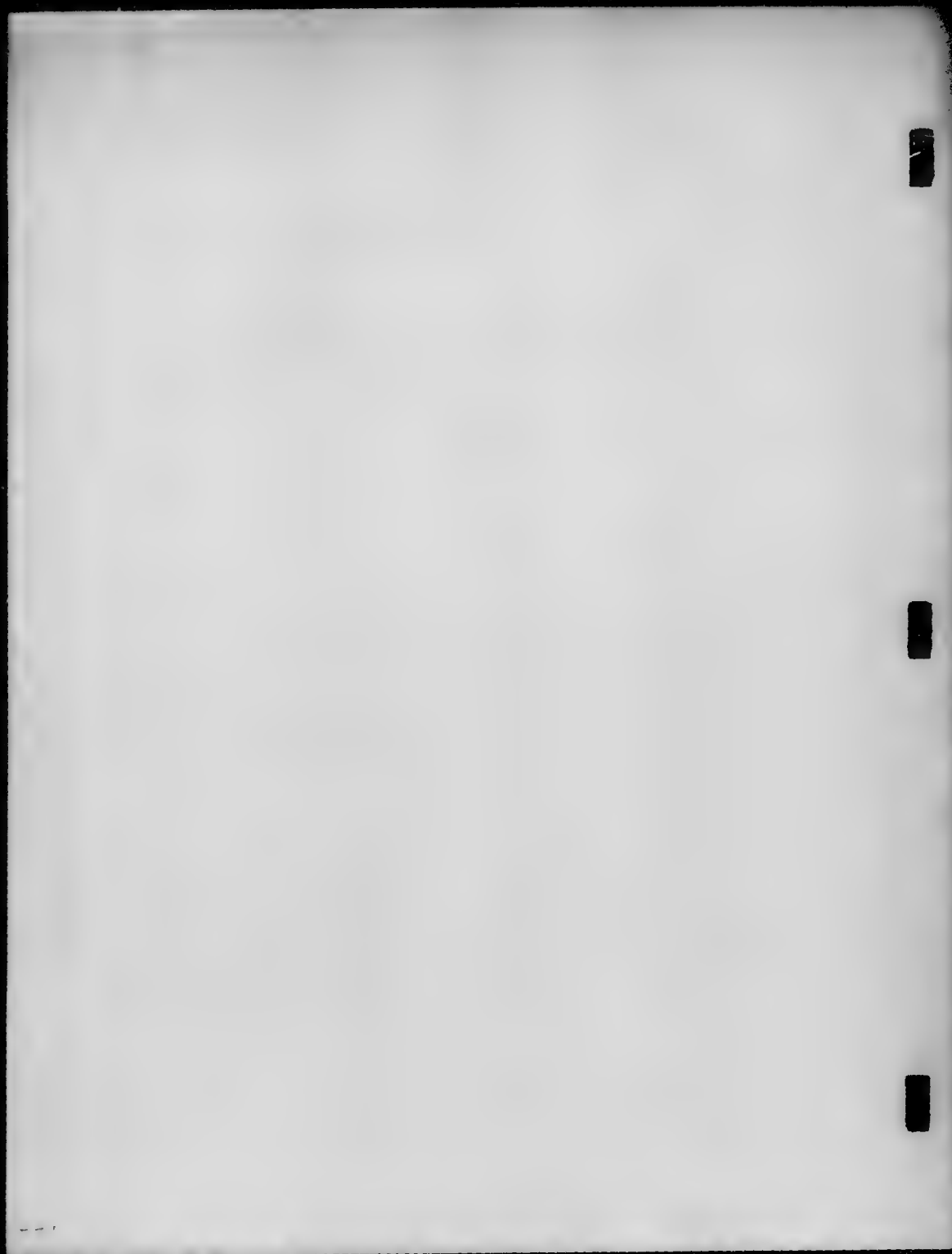
<u>Budget Amendment -</u>	appropriation of CETA funding	256
<u>Budget Amendment -</u>	appropriation of Revitalization Project Fund amounts for Water and Sewer Improvements in conjunction with Akzona.	257
<u>Bishop, Ralph -</u>	spoke relative to redress from Council	258
<u>Budget Amendment -</u>	funding for Shiloh Center for equipment	270
<u>Bids -</u>	150 stacking chairs for the Shiloh Center	271
<u>Bids -</u>	uniforms for Asheville Fire Department to Stinnette Uniforms Sales, Inc.	271
<u>Bids -</u>	one (1) pick-up truck for Asheville Fire Department - Apple Tree Chev.	271
<u>Brentwood Rehabilitation Center -</u>	Fire contract executed for this agency	281
<u>Bishop, Ralph -</u>	requested certified transcripts of certain excerpts from city council meetings.	283
<u>Budget -</u>	ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance in effect as of July 1, 1979.	288
<u>Bids -</u>	accepted for one (1) 2-ton vibratory roller for Street Dept.	289
<u>Bible Week -</u>	Proclamation for week of November 18-25, 1979	290
<u>Bishop, Ralph -</u>	requested opportunity to look over records of office supplies	292
<u>Bids -</u>	one(1) tractor loader for Sanitation Division -- Arden Equipment Co.	302
<u>Bids -</u>	bid approved for Low Profile Single Vacuum Street Sweeper for Street Div.-- N.C. Equipment Co.	302
<u>Bishop, Ralph -</u>	spoke to Council regarding sale of Lottery Tickets.	305
<u>Budget Ordinance -</u>	Ordinance No. 1142; summarizes and ratifies all motions made amending the 1979-80 Budget Ordinance. 1st Reading, page 312; 2nd reading, pg. 317; 3rd reading, page	312
<u>Budget Amendment -</u>	appropriating of R-48 Disposition Deficit.	312
<u>Bids -</u>	one (1) Snow Removal Vehicle for Asheville Airport--Arrowhead International Truck Sales, Inc.	313
<u>Bids -</u>	two (2) Loader Backhoes for Water Maintenance Div.--Farm Equipment Co.	313
<u>Beaverdam Valley -</u>	hearing scheduled on imposing a moratorium on construction in Beaverdam Valley; page 320. hearing and 1st reading, page 374	
<u>Budget Ordinance -</u>	Ordinance No. 1145; amending fund to establish funding for the Pack Square Revitalization Project. 1st reading, pg. 321; 2nd reading, pg. 321, 3rd reading, pg. 321.	

"B"

<u>Black Presence in North Carolina</u> -	historical exhibit on display	211
<u>Bowie, Orma</u> -	Report on complaint registered by this person, page 211; final report, page	
<u>Bishop, Ralph</u> -	spoke to Council relative to redress and the Police Department	211
<u>Bids</u> -	for two (2) 1980 1/2 ton pick-up trucks for Sanitation	214
<u>Budget Amendment</u> -	amending City of Asheville Parks and Recreation Department fiscal budget for 1979-80 - grant from N. D. Dept. of Human Resources	214
<u>Budget Amendment</u> -	amending City of Asheville Fiscal 1979-80 Operating Budget for line items of Insurance and Bonds	214
<u>Beverly Hills</u> -	rezoning of property in Beverly Hills, public hearing scheduled, page 214; hearing and 1st reading, page 250 ; 2nd reading, page 260 ; 3rd reading, page 276.	
<u>Buncombe County</u> -	agreement relative to C.E.T.A. Funds	215
<u>Barkley, Della West</u> -	claim against the city	220
<u>Bule, Mrs. Orma</u> -	report on complaint registered by this lady further report on this complaint	221 235
<u>Budget Amendment</u> -	Community Development funds - Shiloh Street and Drainage Project	227
<u>Bids</u> -	awarded for spotlight at Civic Center	228
<u>Bids</u> -	awarded for snow and ice control for the City of Asheville Street Dept.	240
<u>Bus Service</u> -	report requested from Asheville Transit Authority relative to bus service changes.	240
<u>Budget Amendment</u> -	Reappropriating funds for completion of the Patton Mtn. Reservoir Rehabilitation.	242
<u>Bishop, Ralph</u> -	spoke in opposition to Fred Hensley being Acting Chief of Police	242
<u>Budget Amendment</u> -	appropriating funds provided through Land-of-Sky Regional Council for renovations to the Senior Opportunity Center and the Livingston Street Center.	243
<u>Bishop, Ralph</u> -	spoke relative to the appointment of Fred Hensley as Acting Police Chief	249
<u>Bids</u> -	approved for offset printing press for City of Asheville Print Shop	255
<u>Beaverdam Valley</u> -	rezoning of property in Beaverdam Valley - hearing scheduled, page 255; hearing and 1st reading, page 294 ; 2nd reading, page ; 3rd reading, page (tabled) (Moratorium hearing scheduled, page 320) page 380 , page 387	

<u>Boards and Commissions</u> - discussion relative to appointments to boards and commissions - procedures for appointments.	356
<u>Blair, Wendell Charles</u> - letter from attorney John E. Shackelford re: law suit to be filed by this person.	357
<u>Brewer, Marvin Lewis</u> - letter from attorney John E. Shackelford re: law suit to be filed by this person.	357
<u>Bridges, Randall Earl</u> - claim against the city	357
<u>Barnard Avenue</u> - complaints presented by Ms. Sadie Sprinkle	362
<u>Bishop, Ralph</u> - spoke relative to lottery sales	362
<u>Budget Amendment</u> - appropriating funds received from HUD for UDAG program	367
<u>Bids</u> - two-year contract awarded to Rental Uniform Service for various departments/divisions of the City.	368
<u>Bishop, Ralph</u> - spoke relative to redress of Council	369
	371
<u>Boxing and Wrestling Commission</u> - presented check to Council for tax on gross receipts	
<u>Buncombe County Energy Committee</u> - appointment of Councilman H. C. Wilkes and Bill Swearngan.	377
<u>Bids</u> - for repair materials for inventory for Water Maintenance Construction and Repair Division.	377
<u>Bishop, Ralph</u> - spoke in opposition to Fred Hensley being appointed Chief of Police	378
<u>Budget</u> - ordinance summarizing and ratifying budget amendments through 12-31-79	381
<u>Bids</u> - approved for bus washer, fuel tank and reclamation system for Asheville Transit Authority	382
<u>Boggs, Mr. Walter J.</u> - reappointed a member of Metropolitan Sewerage District Board	383
<u>Budget</u> - ordinance summarizing and ratifying budget amendments through 12-31-79	384
<u>Bids</u> - approved for two solid state Traffic Signal Controls	390
<u>Bids</u> - approved for sixty coin operated lockers for Montford Recreation Center	390
<u>Bids</u> - approved to furnish and install two-way radio communications equipment for the Fire Department	390
<u>Bids</u> - approved for one-ton truck for Water Meter Services Division	391

<u>Biltmore Avenue</u> - contract with Huntley Construction Co. for Biltmore Avenue 12-inch Water Line -	324
<u>Bear Creek Road</u> - contract with Perry Alexander Co. for the Bear Creek Road 6-inch water line	324
<u>Banks Brothers Construction Co.</u> - contract with Banks Brothers Const. Co. for the project known as Standard Paving Patch	324
<u>Black Mountain, Town of</u> - agreement with Black Mountain to acquire 6-inch water meter in exchange for certain water debts.	324
<u>Bids</u> - for solid waste collection system for the Sanitation Division	325
<u>Bids</u> - for bus stop signs for Asheville Transit Authority	325
<u>Bacoate, Matthew, Jr.</u> - appointed to Board of Directors for Victoria of Asheville	325
<u>Beckwith, Mr. Lloyd E.</u> - claim against city	330
<u>Bishop, Ralph</u> - comments re: Police Department	330
<u>Banking Depositories</u> - designating banking depositories for city funds	333
<u>Bonds</u> - designating the officers and employees who shall give bonds securing the faithful performance of their duties and setting amounts thereof	333
<u>Bishop, Ralph</u> - comments re: Lottery sales	338
<u>Bids</u> - contract with Mayhew Corporation to furnish and install doors on the bus storage shed for the Asheville Transit Authority.	346
<u>Bids</u> - for 10 vehicles for Police Department	346
<u>Budget amendment</u> - appropriate funds for MICA agreement	347
<u>Buncombe County Council on Aging</u> - agreement with this agency for transportation services for the elderly.	347
<u>Budget Amendment</u> - to provide appropriation for funding from the Buncombe County Council on Aging to operate the senior citizen van services.	347
<u>Budget Amendment</u> - for emergency replacement of the boiler at the Traffic Engineering Sign Shop	347
<u>Budget Amendment</u> - to recognize the City's contribution for Civic Center space contributed to the Art and Mineral Museum and Symphony Rehearsal Hall.	347
<u>Bishop, Ralph</u> - comments relative to lottery peddlers and right to receive city records.	349



"B"

Bids- approved for two four-wheel drive vehicles and eight one-half ton trucks 391
for Water Meter Services Division

Budget Amendment to fund installation of a switch and cable on the dictating 391
equipment used by the Director of Administration

Budget Amendment - to fund installation and first three months rent on a word 391
processing system.

Bids - approved for two (2) trailer mounted engine drive suction units for vacuum 393
collection and mulching of leaves.

Bids - awarded for one four-door sedan for Water Billing Division 398

<u>Crestwood Lane</u> - resolution to accept an easement and maintenance	127
<u>Charlotte Hwy</u> - audit	128
<u>Community Development</u> - audit	128
<u>City Council Meeting</u> - changing time from 3:00pm to 4:00pm on Thursday	134
<u>Community Development</u> - scheduling public hearing relative to Community D. Block Grant Application	137
<u>CETA</u> - application to Buncombe County Employment and Training Office for funds	137
<u>Cromartie, Mr. Malachie</u> - appointed member Board of Electrical Examiners	137
<u>Coxe, Frank</u> - appointed to Asheville-Buncombe Historic Resources Commission	138
<u>Cox, Mike</u> - " " " " " " " "	
<u>Certificate of Occupancies</u> - problems with issuance of	140
<u>Civic Center Commission</u> - appointing member to	145
<u>Cairns, Fred</u> - claim	146
<u>Cool, Green Asheville</u> - budget amendment supporting advertisement	146
<u>Champion Contracting Company</u> - escrow agreement in connection with runway ext.	147 151
<u>Chamber of Commerce</u> - contract executed regarding travel promotions	152
<u>Cox, Charles Warren</u> - claim	153
<u>Community Development Application</u> - Public hearing for amending 5th year	157
<u>City Hall</u> - budget amendment - safety to life requirements for city hall	159
<u>Cole, Charles C. and Marguerite</u> - R/W Easement for water line across property in Pinedale Subdivision.	159
<u>City Hall</u> - approval of bids for safety to life requirements for	160
<u>Civic Center Commission</u> - appointment of Mrs. Cy Fligel	165
<u>Community Development</u> - budget amendment for 2nd Year - sanitary sewer line improvements in West Asheville Community Development area.	166
<u>Certificate of Occupancies</u> - establishing committee to analyze	166
<u>Computer Equipment</u> - contract with Burroughs Corporation for lease of computer equipment to replace the city's three existing mini-computers.	170
<u>Computer System Services, Inc.</u> - maintenance contract executed	171

"C"

<u>City School District Lines</u> - requested report on extending lines to coincide with City Limits	5
<u>Corporate Limits</u> - hearing relative to annexation of W.N. C. Baptist Home Property in Richmond Hills; 1st reading, page 7; second reading, page 7 ; third reading, page 18 ;	7
<u>Chunns Cove Residents</u> - dumping of rocks - Asheville Contracting Co. agreed to uncover sewer line and replace	11, 24
<u>Christian Action League</u> - Don Taylor spoke relative to drug problems in the City and during rock concerts at the Civic Center.	11
<u>Civic Center-</u> Christian Action League spoke about drugs during rock concerts.	11,21,26
<u>Civic Center-</u> Ralph Bishop spoke about drugs during rock concerts	16
<u>City Employees</u> - completing training course at A-B Tech "Principles of Supervision"	18
<u>Crematories</u> - allowing as an ancillary use in Commercial Highway as a Conditional Use in the Zoning Ordinance, hearing and 1st reading, page 55; 2nd reading, page 68 ; 3rd reading, page ; postponed , page 81; tabled, page 102	55
<u>Civic Center</u> - resolutions presented to Council re: rate adjustments and booking policies	62, 68
<u>Civil Service</u> - certification of results of board election	69
<u>Civic Center</u> - resolution appointing member to the commission	72
<u>Cole, F. Jack</u> - resolution re: his appointment to Asheville Policemen's Pension and Disability Board of Trustees	73
<u>Clubs (Private)</u> - ordinance regulating placement in City- 1st reading, page 81; 2nd reading, page 90 ; 3rd reading, page 100 ;	
<u>Chunns Cove</u> - hearing relative to rezoning from R-2 to R-1; 1st reading, page 119; 94 2nd reading, page 131; 3rd reading, page ;(postponed-page 149)Page 169) third and final reading, page 177	
<u>Certificate of Occupancies</u> - requests for council to consider moratorium on	105
<u>Civic Center Commission</u> - ordinance establishing commission amended relative to composition and terms of members.	110
<u>Community Development Budget</u> - amended First, Second, Third and Fourth Year Budgets.	112
<u>Civic Center</u> -Comments by Vice-Mayor Horton relative to Kiss Concert at Civic Center	113
<u>City Council Meeting-</u> July 5, 1979 meeting cancelled	114

Carolina Power and Light Company - easement executed in favor of Carolina Power 244
and Light Company - property adjacent to Westgate Shopping Center.

CETA FUNDS - budget amendment - appropriation of CETA funds 256

Cablevision - request for increase in rates for Thoms Cablevision- hearing
scheduled, page ; hearing and 1st reading, page ; 2nd reading,
page ; third reading, page .

Choctaw and College Street - R/W encroachment agreement with N. C. D. O. T. 257

Civic Center Parking Garage - free parking approved for two basketball games 273
for UNC-A in November, 1979. 282

City of Asheville Board of Alcoholic Control - appointment of Mrs. Celeste Loftin 280

Champion Contracting Company - execution of change order #7 for project known 280
as site preparation for 1,500' runway and taxiway extension.

Certificate of Occupancy Committee - appointment of Bob Winkle 281

Cloyes Street - Rezoning of B. C. Morton's property at Haywood Road at Cloyes 290
Street discussed - referred back to Planning and Zoning Commission.

Children's Book Week - proclamation for the week November 11-17, 1979. 303

Community Development Fund Budget - budget amendment appropriating R-48 312
Disposition Deficit.

City Council - abstract of votes cast at the General Election for City Council. 312

Caledonia Road - hearing rezoning property on Caledonia Road for Appalachian Hall,
hearing scheduled, page 313; hearing and 1st reading, page 341 ; 2nd reading,
page 353; 3rd reading, page 353 .

Council Meeting - Council will not meet November 22, 1979. 314

Causey, Chief - recognized for receiving certificate for instructor, 315
Fire Department.

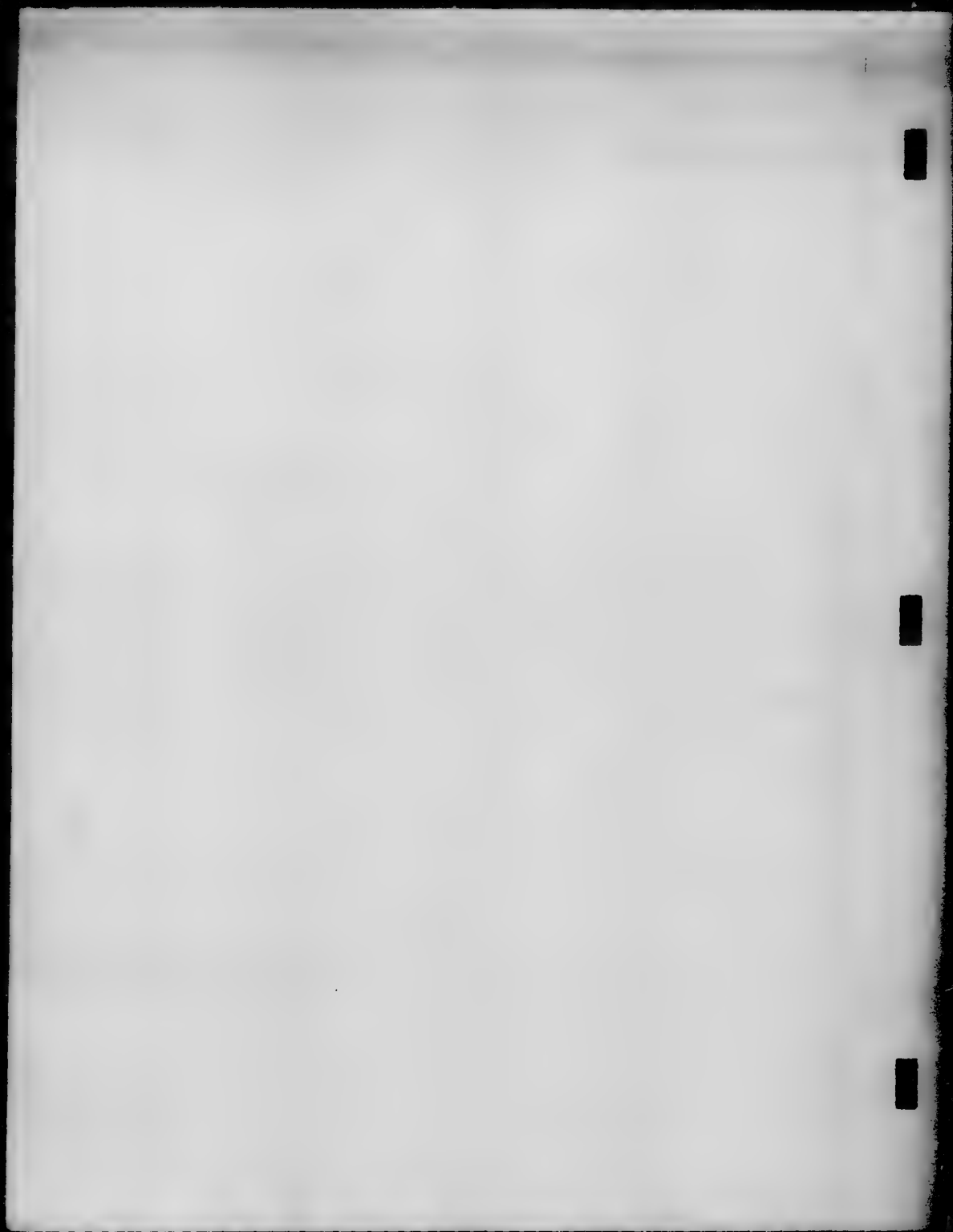
Civic Center Commission - Ordinance amending Ordinance No. 933, known as "AN
ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY ... ASHEVILLE CIVIC CENTER
COMMISSION. 1st reading, page 317. 2nd reading, page 317. 3rd reading, page 317.

Civic Center - resolution amending regulations for the administration of the 318
Civic Center adopted.

Carolina Power & Light Co. - resolution for underground wiring in the Pack Square
Revitalization project adopted. 322

Claims against City officers or employees - resolution relating to claims 323
against City officers or employees, approved.

<u>Chapman Construction Company</u> -	claim against the city	173
<u>Crawford, Carroll L.</u> -	claim against the city	173
<u>Crouch, Edward E. M. D.</u> -	sale of Parcel No. 57C in the East Riverside Renewal Project.	181
<u>Community Development</u> -	public hearings for 1979 scheduled	202
<u>Charlotte Street Extension</u> -	r/w agreement with N.C.D.O.T. concerning construction of new sidewalks at Poplar and Charlotte Street Extension.	208
<u>Capps, Jake Daniel</u> -	claim against the city	209
<u>Cancer Day, National</u> -	Proclamation for September 8, 1979	211
<u>C.E.T.A. funds</u> -	agreement with County of Buncombe	215
<u>Cisco Road</u> -	Petition from residents relative to water problems discussion relative thereto, page 229	216
<u>Champion Contracting Company</u> -	Change Orders 3 and 4 for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.	219
<u>City of Asheville</u> -	claim - re: Trashmaster caught fire at Woodfin Landfill	220
<u>Community Development</u> -	budget amendment for Shiloh Street and Drainage Project	227
<u>Civil Service Rule Amendment</u> -	amendment to rule # 3 re: part-time and seasonal employment - hearing scheduled, page 228; hearing and approval, page 239.	228
<u>County of Buncombe</u> -	lease agreement to provide parking spaces for certain employees on Marjorie Street lot	228
<u>Civic Center</u> -	bids awarded for spotlight	228
<u>Constitution Week</u> -	Proclamation for week of September 17 - 23, 1979	231
<u>Civic Center Parking Garage</u> -	WNC Parking Lot Services, Inc. awarded contract to clean	231
<u>Champion Contracting Company</u> -	Change Orders 5 and 6 for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.	240
<u>Certificate of Occupancy Committee</u> -	Councilman Rainey requested status of committee.	240
<u>Coffey, Max</u> -	claim against the City	242
<u>Cisco Road</u> -	report on water problems	242
<u>City Council Election</u> -	results reported to Council	242



<u>Civil Air Patrol Week -</u>	Proclamation for December 3, 1979	330
<u>City Council -Oaths of Office -</u>	Ralph D. Morris, Jr., H. C. Wilkes, Harold F. Brownlee, Roy M. Trantham, Norma T. Price, F. Jack Cole, Walter R. Boland	331
<u>City Council - Meeting</u>	-prescribing the time and day of the weekly meeting Thursday - 4:00 p. m.	333
<u>City Council appointive officials -</u>	resolution covering appointive officials City Manager, Corporation Counsel, City Clerk	333
<u>Civic Center Motel Sign-</u>	approval of sign permit - Federal Sign Company - discussion, 337, 355	337 345 355
<u>Council Meetings-</u>	No Meeting on December 27, 1979 and January 3, 1980	338
<u>Cablevision</u>	- Rate increase for Thoms Cablevision, public hearing and 1st- 2nd reading, page 353 ; 3rd, page 353.	340;
<u>Civic Center -</u>	budget amendment to recognize the City's contribution for Civic Center space contributed to the Art and Mineral Museum and Symphony Rehearsal Hall.	347
<u>Community Development -</u>	amendment to the Housing Incentive Program	354
<u>Chiles, Mr. Richard P. -</u>	appointed to Asheville Library Board	357
<u>Cogburn, Hershel L. -</u>	claim against the city	357
<u>Community Development -</u>	budget amendment appropriating funds from HUD for the UDAG program.	367
<u>Carter, Donna -</u>	claim against the city	384
<u>Community Development -</u>	amendment to Rehabilitation Grant Program Contract	389
<u>Community Development -</u>	public hearing scheduled to receive comments on 6th Year Community Development Block Grant Application - public hearing held, page	399

Claims

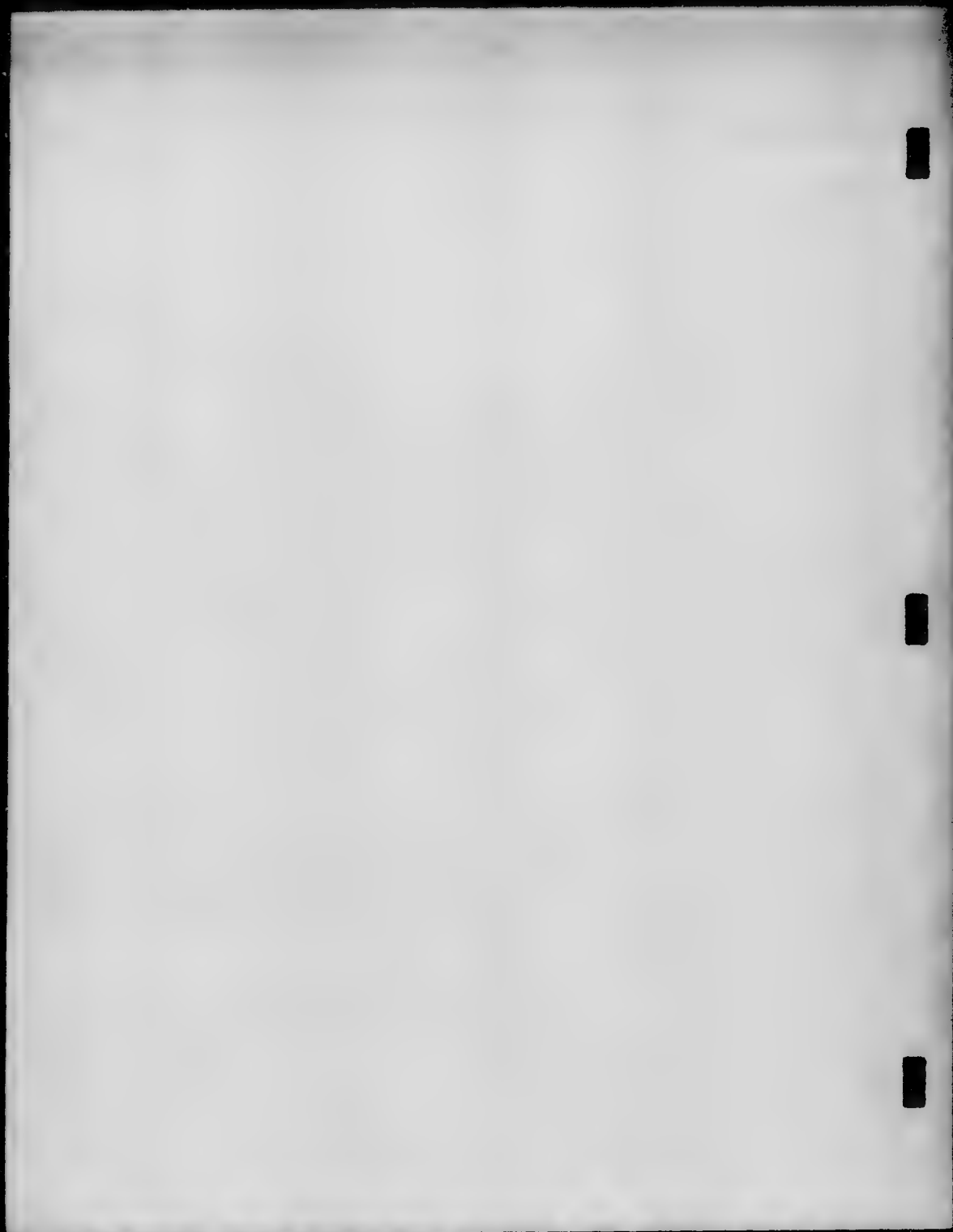
Ms. Freda Tell Miller	273	Donna Carter	384
Jerry's Biltmore Gulf	282	Fletcher School of Dance	384
Flesto Freeman	282	Wilson Personnel	384
Davis, Ms. Hester	289	Anna Marie Rowland	384
Sherman, Mr. C. M.	289	Virginia Keever Epley	384
Williams, Mr. James R.	303		
Lofano, Mr. Vincent	303		
Golden, Howard	314		
Devers, Mary	314;330		
Putman, Bruce Charles	314		
Staffon, Ms. Myrtle Bell	330		
Miles, Elwood B.	330		
Patton, Mr. & Mrs. Dewey	330		
Beckwith, Mr. Lloyd E.	330		
Lepore, Daniel Joseph	330		
McAllister, Charles Earl	330		
Cogburn, Hershel L.	357		
Devers, Donald E.	357		
Taylor, Margaret Jean	357		
Miles, Elwood B.	357		
Matthews, Chris	357		
Young, Jr., Lee Roger	357		
Merrill, Ronald	357		
Bridges, Randall Earl	357		

"Claims"

Mr. Bruce Boyd	15	Charles Warren Cox	153
Ms. Mary Vlahos	15	O. A. Keener	153
Mr. T. T. Rogers	15	Donald L. Lingleback	153
Northwestern Bank	15	Lloyd E. Beckwith	173
Mrs. Gladys B. Warren	15	Ross Matthews	173
Whitmire Monument Company	15	Chapman Construction Co.	173
Mrs. Harriett Howell	62	Carroll L. Crawford	173
Mr. Richard D. Trammell	62	Fred D. Ayers, Jr.	173
Mr. Ken Baker	62	Danny Lee Hensley	173
Janet R. Ross	62	Hardie Merrill	173
Mr. Joe E. Young	74	Peterson Trust	173
Calvin D. Little	83	Ms. Vickie D. Murphy	203
Deal Buick, Inc.	83	B. J. Hensley	203
Ms. Reather Whitmire	95	Charles William Emerson	209
Mr. Thurston Brown	114	Jake Daniel Capps	209
Mrs. Mary L. Hall	114	Maureen B. Arnold	220
Jimmy Ray Baldwin	114	Trasley Robertson	220
Ms. Johnnie M. Whiteside	114	Della West Barkley	220
Johnny Fred Thomas		Arthur Lee Edgerton	220
Mae English Thomas	114	City of Asheville	220
Mrs. George Sherlin	128	Gregg Lasseter	241
Ms. Cathy McDaris	138	Mr. Wilson	241
Ms. Kathleen Garren	146	Mrs. Charles Fuller	241
J. E. Anderson	146	Max Coffey	242
Mr. Fred Cairnes	146	Burgin Ducker	242
Mr. Anthony C. Jackson	146	Animal World	258
Angelo Gus Dotsikas	146	George E. Harmon	258

<u>Disposal Parcels</u> - sale of in the East Riverside Renewal Project -discussion	227
<u>Drug Awareness week</u> - requested resolution be drawn declaring Oct. 7-21, 1979 - week declared, page 241	234
<u>Ducker, Mr. Burgin</u> - claim against the City	241
<u>Donna Drive</u> - petition received from residents on Donna Drive relative to street conditions	246
<u>Dawnwood Condominiums</u> - approval of group development plan - hearing scheduled, page hearing and approval, page 285 . hearing date rescheduled, page 282	256
<u>Disposal Parcels</u> - approval of sale of Disposal Parcels 40, 69, 71, 89, and 190 in the East Riverside Urban Renewal Project area.	268
<u>Drug Awareness Week</u> - Letter read by Vice-Mayor Horton	271
<u>Donna Drive</u> - report relative to petition from residents of Marlowe Drive and Donna Drive relative to street conditions.	281
<u>Delta Black Out for Progress</u> - Proclamation for October 28, 1979 - January 13, 1980	282
<u>Davis, Ms. Hester</u> -claim against the city	289
<u>Diggs, Joseph Landis, Sr.</u> - Resolution No.29-246 in memory of.	307
<u>DeBall Grimes Co.</u> - hearing scheduled on the approval of group development site plan for DeBall Grimes Co. on Charlotte Highway, page 313. Hearing and approval, page 341 .	
<u>Demolition of Downtown Buildings</u> - no demolitions during holidays.	314
<u>Devers, Mary</u> - claim against City.	314
<u>Disposal Parcels; 2, 20, 39, 82 & 164. --- East Riverside Urban Renewal Project</u> - Approval of the sale of parcels. -	322
<u>Disposal of Parcel 123 --- East Riverside Urban Renewal Project</u> - request for status report from Housing Authority. - approval of sale, page 378	323 378
<u>Devers, Ms. Mary</u> - Claim against City.	330
<u>Delany, Logan D.</u> - appointment to Board of Directors for Victoria of Asheville.	325
<u>Downtown, Musicals</u> - support given to "Going Baroque" and "Hill Street Baptist Church Youth and Young Adult Choir" for concert to be given downtown.	345

<u>Drug Problems</u> - discussion relative to Civic Center during rock concerts - Christian Action League spoke relative to whole problem of drugs.	11
<u>Data Processing Equipment</u> - Budget amendment for revision of equipment	58
<u>Demolition</u> - in redevelopment area - comments by Councilman Michael	73
<u>Demolish</u> - Resolution re: call for public hearing for adoption of an ordinance - dwelling houses	72
<u>Deal Buick, Inc.</u> - claim against the City	83
<u>Disposal Parcels</u> - approval of sale of parcels 25, 32 & 53	104
<u>Davis, Mr. Frank</u> - reappointed member of Board of Electrical Examiners	137
<u>David, Mr. Charlie</u> - appointed to Asheville Area Civic Center Commission	145
<u>Dotsikas, Angelos Gus</u> - claim against the city for damage	146
<u>Daniels, Jim</u> - requested information relative to alarm ordinance	154
<u>Demolition-</u> authorizin demolition of old Parks and Recreation and Traffic Engineering Maintenance Building.	167
<u>Data Processing</u> - contract with Burroughs Corporation for lease of computer equipment to replace the city's three existing mini-computers.	170
<u>Data Processing</u> - contract with Computer System Services, Inc. for maintenance	171
<u>Data Processing</u> - contract with Burroughs Corporation for maintenance on Criminal Justice Information System equipment.	171
<u>"Day of the Ching Pao"</u> - book presented to Library	174
<u>Disposal Parcels</u> - Sale of Parcels 10 and 57 C in the East Riverside Renewal Project	181
<u>Demolition</u> - ordinance to demolish 230 Montford Avenue; hearing scheduled, page 208; hearing and 1st reading, page 247; 2nd reading, page ; 3rd reading, page .	
<u>Downtown Parking</u> - Comments by Councilman Rainey	209
<u>Downtown Asheville Historic District</u> - entered into National Register of Historic Places.	210



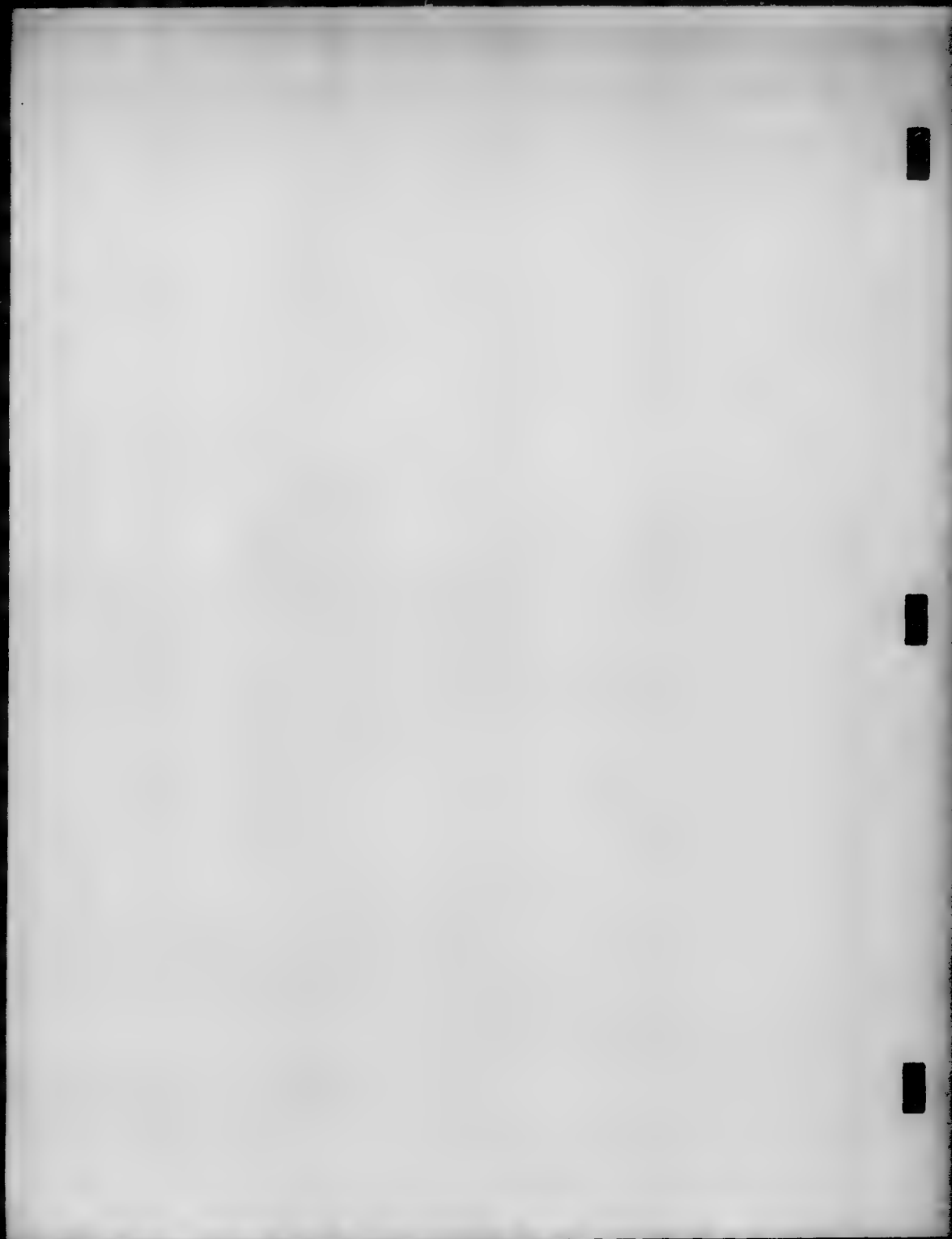
"D"

<u>Disposal Parcels</u> - approval of sale of disposal parcels in the East Riverside Renewal Project - Disposal Parcels 9, 15, 19, 21, 166 and 175	354
<u>Devers, Donald E.</u> - claim against the city	357
<u>Disposal Parcels</u> - approval of sale of disposal parcels 57A and 57B in the East Riverside Renewal Project	366 373

<u>East Riverside Renewal Project</u> - discussion of sale of disposal parcel 123 to Dr. James C. McDonald	206
<u>Emerson, Charles William</u> -claim against the city	209
<u>Edgerton, Arthur Lee</u> - claim against the City	220
<u>East Riverside Renewal Project</u> - discussion relative to sale of Disposal parcels	227
<u>East Riverside Renewal Project</u> - sale of disposal parcels 1, 199, 200, and 201 -	238
<u>Election</u> - Results of City Council Primary reported	242
<u>Energy</u> - announcement by Marjorie Lockwood relative to Amory Lovins conducting seminar on Energy.	243
<u>Energy Conservation Month</u> - Proclamation for month of October as International Energy Conservation Month.	247
<u>Employees - General</u> - Vice-Mayor Horton requested work session on retirement benefits for the retired general employees.	247
<u>Encroachment Agreement</u> - with N. C. D. O. T. for State Road #2719	257
<u>Encroachment Agreement</u> - with N. C. D. O. T. for Choctaw and College St.	257
<u>Employees, General</u> - training sessions begun for employees relative to State Retirement Plan	258
<u>East Riverside Renewal Project area</u> - approval of sale of Disposal Parcels 40, 69, 71, 89 and 190 in the East Riverside Renewal Project area.	268
<u>Employees, Retired</u> - ordinance increasing benefit payments to retired employees who retired prior to October 1, 1979.	279
<u>East Riverside Renewal Project</u> - agreement for dedication of land - for parcel 143.	280
<u>Epilepsy Month</u> - Proclamation for month of November, 1979	282
<u>Equipment</u> - suggestion that the City contract work out when the use of heavy equipment is required.	302
<u>Employees' Retirement System</u> - letter report from Sam Graves relative to the election to participate in the N.C. Local Governmental Employees' Retirement System.	303
<u>Election</u> - abstract of votes cast at the General Election for members of City Council.	312

"E"

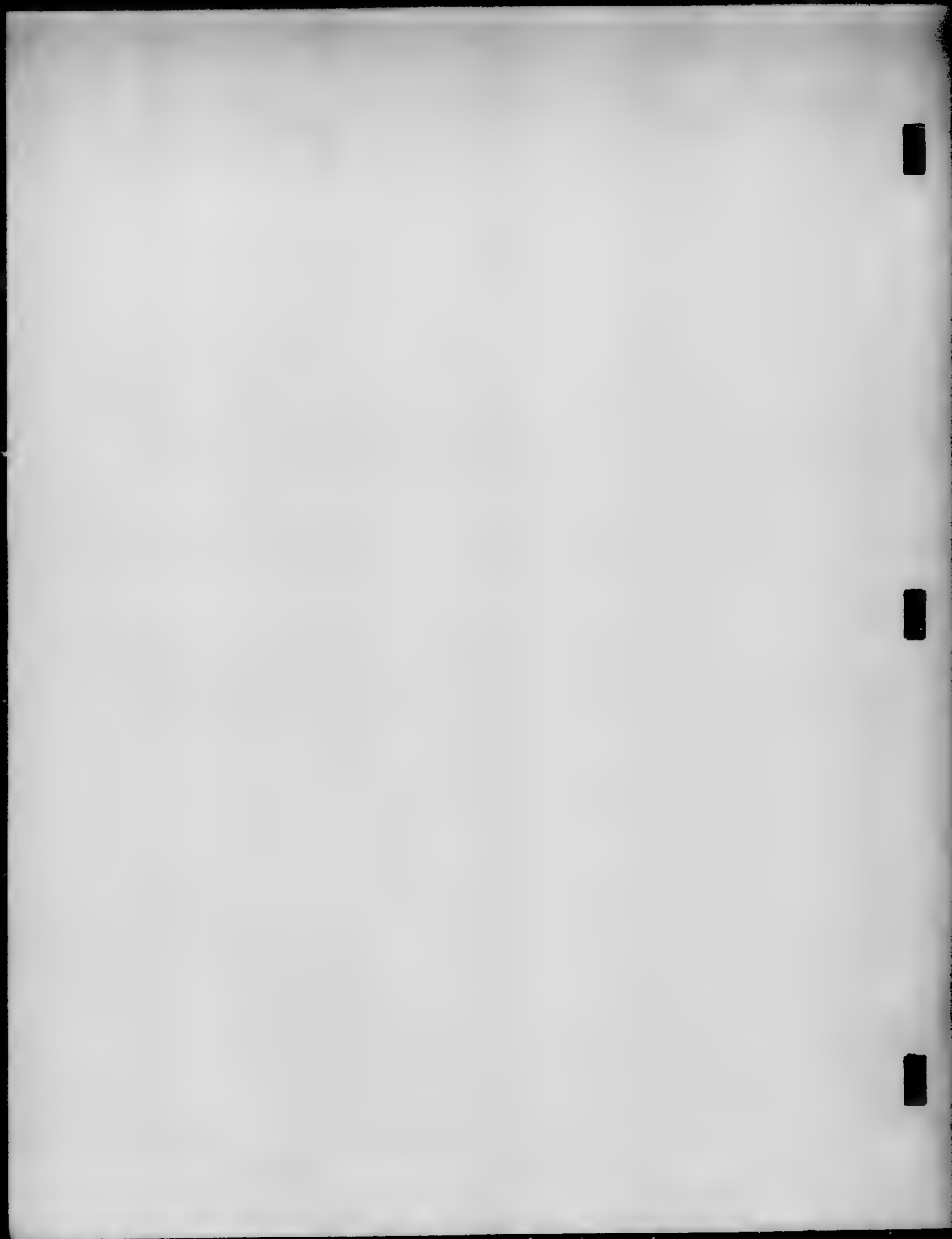
<u>East-End/Valley Street Project</u> - resolution approving application for preliminary loan for low-rent public housing.	3
<u>Evans, Mike</u> - Asst. Superintendent of Street Division recognized for completing course in Municipal Administration	7
<u>Encroachment Agreement</u> - temporary right-of-way encroachment in connection with Airport Runway Extension.	23
<u>East Riverside Renewal Project</u> - Sale of Disposal Parcel in the Project Parcels 44, 46, 52, and 95	58
<u>East End/Valley Street</u> - cooperation agreement with Housing Authority for 62 public housing units in the East End/Valley Street area.	61
<u>Election</u> - Civil Service - certification of results	69
<u>Employees</u> - an ordinance establishing a grievance procedure - City of Asheville	70
<u>Electrical</u> - an ordinance re: inspection fees & extra inspections; first reading, page 92; second reading, page 92; third reading, page 92; passed.	
<u>Easements</u> - resolution re: Public areas adjoining Akzona building	94
<u>East Riverside Renewal Project</u> - Sale of Disposal Parcels 25, 32, & 53	104
<u>Easement</u> - right-of-way agreement with Southern Railway Company for sewer pipe line on the Forestdale Project	111
<u>Electrical Examiners, Board</u> - reappointment of Mr. Frank Davis, Mr. Walter Harlow, Mr. J. Michael Boozer, and Mr. Malachie Cromartie and appointment of Mr. Larry Keenan	137
<u>Encroachment Agreement</u> - right-of-way for water lines in Glen Meadows	139
- right-of-way for water lines in Muirfield	139
- right-of-way for water lines in Turnberry	139
<u>Election</u> - filing fee for 1979 Asheville Municipal Primary	143
<u>Employee's Pension</u> - Vice-Mayor Horton requested research into the retired general employee's pension	153
<u>East Riverside Renewal Project</u> - sale of Disposal Parcels 10 and 57 C	181



<u>East Riverside Urban Renewal Project</u> - Disposal of Parcels 2, 20, 39, 82 and 164	322
<u>East Riverside Urban Renewal Project</u> - request for status report re: Reverend Grant's request to purchase property in East Riverside.	322
<u>East Riverside Urban Renewal Project</u> - request for status report on sale of disposal parcel 123 - sale of parcel approved, page 378	323 378
<u>Employees</u> - resolution relating to claims against City officers and employees	323
<u>Election</u> - of the Mayor - Roy M. Trantham	331
<u>Election</u> - of the Vice-Mayor - Ralph D. Morris, Jr.	331
<u>East Riverside Urban Renewal Project</u> - approval of sale of disposal parcels 9, 15, 19, 21, 166 and 175	354
<u>Enloe, Harold C.</u> - appointment to the Asheville Regional Airport Authority	355
<u>East Riverside Urban Renewal Project</u> - approval of sale of disposal parcels 57A and 57B	366 373
<u>Energy Committee (Buncombe County)</u> - appointment of Councilman H. C. Wilkes and Bill Swearngan	377
<u>Epley, Virginia Keever</u> - claim against the City	384

<u>Fuller, Mrs. Charles -</u>	claim against the City	241
<u>Fire Prevention Week -</u>	Proclamation for National Fire Prevention Week for October 7 - 13, 1979.	247
<u>Fall Festival Days -</u>	proclamation for October 17-27 as Hallelujah Asheville- Fall Festival Days.	270
<u>Fire Department -</u>	Bids for uniforms awarded to Stinnettee Uniform Sales, Inc.	271
<u>Fire Hydrant -</u>	petition received from residents of Hubbard Street relative to fire hydrant.	273
<u>Federal Aviation Administration -</u>	continuing lease between FAA and City for airport towers - supercede present agreement by changing yearly termination and renewal only to coincide with the FAA change in the Fiscal Year.	280
<u>Fire Contract -</u>	executed for Brentwood Rehabilitation Center	281
<u>Freeman, Flesto -</u>	claim against the city	282
<u>Fairview Road -</u>	sign permit approved for Neagele Sign Co.	293
<u>Family Care Homes -</u>	hearing amending the Zoning Ordinance to include "Family Care Homes," hearing scheduled, page 308; hear-ing & 1st reading page 336 2nd reading, page 339 ; 3rd reading, page .	336 ;
<u>Flood Maps -</u>	hearing scheduled relative to Tennessee Valley Authority Flood Maps, page 313. Hearing and approval, page 342 .	
<u>Fire Department -</u>	Chief Causey recognized for receiving instructor certificate.	315
<u>Fire Cadets -</u>	(12) individuals received Basic Fire Fighting Certificates.	315
<u>Farmer, Dr. Woodard E. -</u>	Resolution #79-261 --appointments to the board of Directors for Victoria of Asheville, Dr. W. E. Farmer, Matthew Bacoate, Jr, & Logan D. Delany.	325
<u>Federal Sign Company -</u>	Approval of Sign Permit - Civic Center Motel discussion, page 337 , 345, and 355	337 345 355
<u>Froehling and Robertson -</u>	contract for testing services	368
<u>Energy Committee-</u>	appointment of Councilman H. C. Wilkes and Bill Swearngan to the Buncombe County Energy Committee	377
<u>Fire line -</u>	easement with Grover Redmon concerning construction of fire line on Keebler Road Project.	377
<u>Financial Report -</u>	presented for year ended June 30, 1979	378

<u>Fire Department</u> - Basic Training Certificates given to William A. Davidson, Margaret E. Bryson, John W. Earle, Gary Lee Hensley	1
<u>Fire Station #3-</u> warranty agreement for roof membrane	23
<u>Feldman, Dr. Leon H.</u> - Resolution of appreciation for services as chairman of the Asheville Boxing and Wrestling Commission	64
<u>Federal Aviation Administration</u> - resolution authorizing the Director of Aviation to sign an agreement for VASI-4 Electric Power	72
<u>Fire Cadets</u> - Recognition of Anita Reynolds and Billy C. Littlejohn completing training under Fire Cadet Program	75
<u>French Broad Street (South)</u> - complaint about street conditions by R. D. Robinson and Lee Smith	84
<u>Frue, Mr. William</u> - appointment as member of Board	95
<u>Forestdale Project</u> - right-of-way agreement with Southern Railway Company for sewer line on this project.	111
<u>Frue, Mr. William C.</u> - reappointed member of Planning and Zoning Commission	138
<u>Frank, Mrs. Charles</u> - reappointed member of Library Board	138
<u>Filing Fee</u> - for 1979 Asheville Municipal Primary and election	143
<u>Fligel, Mr. Cy</u> - appointed member of Asheville Area Civic Center Commission	165
<u>Fire/Police Baseball Game</u> - invitation to Council members for August 30, 1979	175
<u>Fraternal and Philanthropic Organizations-</u> included as a use in the R-3, R-4, and R-5, and Office Institutional District as a Conditional Use.	175
Hearing & First Reading, page 175; Second Reading, page 205 ; third reading, page 213 .	
<u>Fire Hydrants</u> - designation of Water and Sewer Director as the issuer of permits for use of Water from fire hydrants. First, Second, Third Readings, page 181	180
<u>Front-End Loaders</u> - authorizing the disposal of the city's front-end loaders to other governmental units	202
<u>Fire Department-</u> Councilman Michael requested report on fire in Oakley	208
<u>FAA</u> - grant agreement executed for 1,500 paving and lighting of runway and taxiway extension - project no. 6-37-0005-05	225



"F"

<u>First Union National Bank -</u>	petitioner to close alley in West Asheville adjacent	382
	to their property- hearing scheduled,, page 382- hearing and approval, page	.
<u>Firemen's Relief Fund -</u>	reappointment of Mr. T. Cecil Tallent to Board	383
<u>Fletcher School of Dance -</u>	claim against the city	384
<u>Fire Department -</u>	bids approved to furnish and install two-way radio communications	390
	equipment for Asheville Fire Department.	
<u>Fire Education Awareness Week -</u>	Proclamation for week of February 11 - 17, 1980	399

<u>Golden, Howard</u> - claim against City.	314
<u>Grant, Reverend</u> - request for status report on his request to purchase property in East Riverside Urban Renewal Project.	322
<u>Grievance Procedure</u> - amendment thereto	351
<u>Gallagher, Richard V.</u> - appointed to Asheville Transit Authority	356
<u>Grace Baptist Church</u> - petitioner to close alley next to their property in West Asheville, scheduling of public hearing, page 382, hearing and approval, page .	382
<u>Grievance Procedure</u> - amendment thereto	387

"G"

<u>Group Development</u> - Aston Park Facility - Group Development plan approved	12
<u>General Assembly</u> - legislative bulletin presented to Council re: bills before Assembly	15
<u>Gift Shop Airport</u> - execution of lease agreement with Glenda D. Bowles	22
<u>Group Developments</u> - increasing filing fee for submitting plans - hearing scheduled, page 23; hearing and 1st reading, page 88 ; 2nd reading, page 101; 3rd reading, page ;	23
<u>Garbage Collection firms</u> - proposals by private companies to take over commercial pick-up	54
<u>Grievance Procedure</u> - Consideration given to an ordinance for City employees	70
<u>Green Hills Cemetery</u> - public hearing scheduled re: rezoning; 1st reading, page 122 ; 2nd reading, page 132; 3rd reading, page 141	94
<u>Gibbs, Mr. Roy</u> - reappointed member of Board of Motion Picture Operators	137
<u>Glen Meadows</u> - encroachment agreement for water lines	139
<u>Garren, Ms. Kathleen</u> - claim against the city for damage	146
<u>"Group Homes for the Developmentally Disabled"</u> - moratorium on construction of these homes	247
<u>Group Development Plan</u> - for South Forest Shopping Center expansion - hearing scheduled, page 256 - hearing and approval, page 310.	
<u>Group Development Plan</u> - for Dawnwood Condominiums to be located on Caribou Road hearing scheduled, page 256- hearing and approval, page 285 . hearing date rescheduled, page 282.	
<u>Group Development Section of Zoning Ordinance</u> - amendment to this section - hearing scheduled, page 256 - hearing and 1st reading, page 299; 2nd reading, page 311 ; 3rd reading, page 316 . hearing continued; page 267	
<u>Grant</u> - State Water Bond Grant for Pine St. Improvements - Resolution No. 29-243; approved. -- Resolution No. 29-244 for education on water conservation approved.	301 302
<u>"Group Homes for the Developmentally Disabled"</u> - An ordinance providing for a limited moratorium on the issuance of building permits. Ordinance No. 1139; all three readings page 308.	
<u>Group Development Plan</u> - hearing scheduled on the approval of group development site plan for Asheville Terrace Apartments on Tunnel Road; page 313. Hearing and approval, page 318 .	
<u>Group Development Plan</u> - hearing scheduled on the approval of group development site plan for DeBall Grimes Co. on Charlotte Highway; page 313. Hearing and approval, page 341 .	

<u>Hearing</u> - establishment of Historic Resources Commission, hearing scheduled, page 24 ; hearing and 1st reading, page 86 ; 2nd reading, page 86 ; 3rd reading, page 87 ;	
<u>Historic Resources Commission</u> - establishment of Commission, hearing scheduled page 24; hearing and 1st reading, page 86 ; 2nd reading, page 86 ; 3rd reading, page 87 ;	
<u>Historic Preservation Society</u> - presented city with certificate	24
<u>Hearing</u> - on City Budget for 1979-80 scheduled, page 26, hearing and 1st reading, page 79 ; 2nd reading, page ; 3rd reading, page ;	
<u>Hearing</u> - allowing crematories in Commercial Highway as an ancillary use to funeral homes as a Conditional Use. hearing and 1st reading, page 55, 2nd reading, page ; 3rd reading, page ;	
<u>Housing</u> - public housing in East End/Valley Street Project	61
<u>Hillcrest Enrichment Program</u> - budget amendment for the purchase of majorette uniforms.	61
<u>Housing</u> - approval of Section 312 Rehabilitation Loans	61
<u>Howell, Mrs. Harriett</u> - Claim against the City	62
<u>Housing Authority</u> - Mayor appointed Mr. Jesse Ray, Sr. as a Commissioner	72
<u>Housing</u> - Resolution re: demolishing dwelling houses	72
<u>Hamilton Street</u> - resolution re: demolishing dwelling house	72
<u>Historic Properties Inventory</u> - resolution re: execution of Memo of Agreement with NC Division of Archives and History and Buncombe County	73
<u>Housing Authority</u> - approval of action on condemnation and acquisition proceedings for Wyoming Road and Kenilworth Park Parcels.	83
<u>Hearing</u> - Ordinance to increase water rates, hearing scheduled, page 84 hearing and 1st reading, page 89 ; 2nd reading, page ; 3rd reading, page .	
<u>HUD</u> - Councilman Michael asked for HUD Code regulations	84
<u>Hearing</u> - amending ordinance - subdivision regulations - setting filing fee; hearing and 1st reading, page 88; 2nd reading, page ; 3rd reading, page ;	
<u>Hearing</u> - scheduled re: rezoning property in Chunn's Cove; hearing and 1st reading, page 119; 2nd reading, page ; 3rd reading, page ;	94
<u>Hearing</u> scheduled re: rezoning property on New Leicester Highway hearing and 1st reading, page 122; 2nd reading, page ; 3rd reading, page ;	94

<u>Housing</u> - resolution approving application for preliminary loan for low-rent public housing for East End/Valley Street Project area.	3
<u>Harvest House</u> - budget amendment to allow for renovations	4
<u>Handicapped Awareness Week</u> - Proclamation for week of May 13-19	7
<u>Hearing</u> - Annexation of W.N.C. Baptist Homes property in Richmond Hills, hearing and 1st and 2nd readings, page 7; third reading, page ;	7
<u>Hearing</u> - Rezoning property on Merrimon Avenue for Ms. Betty Wood hearing and 1st reading, page 9; second reading, page ; third reading, page ;	9
<u>Hearing</u> - Revision of Sanitation Code- scheduled, page 10 hearing, page 19 ; 1st reading, page 19; second reading, tabled, page ; tabled, page ;	
<u>Historic Montford, Inc.</u> - David E. Matney, III presented letter to Council relative to moratorium on demolitions in Montford letter referred to Planning and Zoning.	13
<u>Hearing</u> - zoning of airport property to HI, Heavy Industrial hearing and 1st reading, page 20 ; 2nd reading, page ; 3rd reading, page ;	20
<u>Henderson, Dr. John A.</u> - appointed to Board of Examiners for Police Pension and Disability fund.	22
<u>Hearing</u> - amending zoning ordinance dealing with "Non-Conforming Uses" - hearing scheduled, page 23; hearing and 1st reading, page 87 ; 2nd reading, page ; 3rd reading, page ;	
<u>Hearing</u> - amending zoning ordinance relative to adjustment of filing fees for rezonings, group developments, and subdivision reviews and board of adjustment appeals, hearing scheduled, page 23, hearing and 1st reading, page 88 ; 2nd reading, page ; 3rd reading, page ;	
<u>Hearing</u> - zoning property of W.N.C. Baptist Homes in Richmond Hills to R-3 Residential District, hearing scheduled , page 23; hearing and 1st reading, page 87 ; 2nd reading, page ; 3rd reading, page ;	
<u>Hillcrest Community Center</u> - bids accepted for recording equipment Stereo-Corral	23
<u>Hertz Car Rental</u> - amendment to Lease agreement	24

<u>Hillcrest Enrichment Program</u> - grant award received from N. C. Dept. of Crime Control and Public Safety.	159
<u>Hearing</u> - Scheduled to amend zoning ordinance to include "fraternal and philanthropic organizations" in the R-3 Residential District as a Conditional Use. scheduling of hearing, page 160, hearing and 1st reading, page 175 ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - closing of a portion of Alabama Avenue	163
<u>Hillcrest Enrichment Program</u> - budget amendment allocating additional funding from N. C. Dept. of Crime Control and Public Safety	172
<u>Hensley, Danny Lee</u> - claim against the city	173
<u>Hearing</u> - Community Development Public Hearings Scheduled for 1979	202
<u>Housing</u> - Presentation by Housing Projects, Inc., Battery Park Hotel, Inc. and Battery Park Associates, Ltd. relative to denial of Certificate of Appropriateness by the Asheville Revitalization Commission. Review of documents - denial rescinded by Asheville Revitalization Commission, page 207 .	183
<u>Hensley, B. J.</u> - claim against the City	203
<u>Housing Authority</u> - discussion relative to sale of Disposal Parcel 123 to East Rieverside Renewal Project	206
<u>Hearing</u> - scheduled for demolition of 230 Montford Avenue	208
<u>Housing</u> - ordinance to demolish 230 Montford Avenue- hearing and 1st reading, page 248; second reading, page 252; third reading, page 269 . directives given relative to enforcement - page 289. directives, pg. 344 -discussion, pg. 397	
<u>Historic District</u> - Downtown Asheville Historic District entered in the National Register of Historic Places.	210
<u>Hearing</u> - rezoning of property in Beverly Hills - hearing scheduled, page 214; hearing and 1st reading, page 250; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - rezoning of property on Sweeten Creek Road - hearing scheduled, page 214; hearing and 1st reading, page 253 ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - amending Zoning Ordinance to include "Family Care Homes and "Group Homes for Developmentally Disabled Adults" - hearing scheduled, page 215; hearing and 1st reading, page 308 ; 2nd reading, page , 3rd reading, page . XXXXXX hearing continued; page 267 (** Council moved to separate these 2 issues, it carried by unanimous vote; see 307 "Family Care Homes" separately.) ** hearing on Family Care Homes - page 335; first reading, page 335	

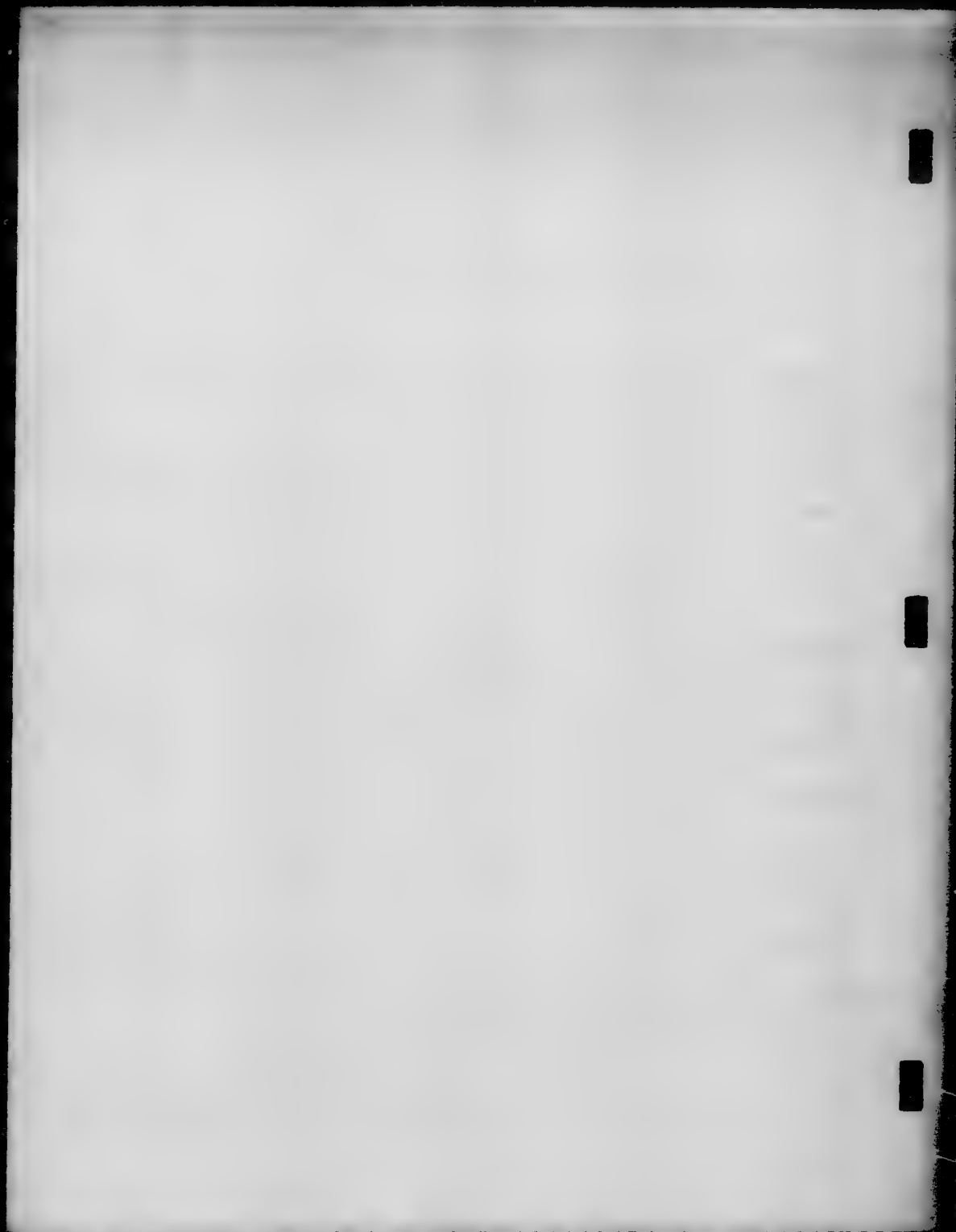
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<u>Heating-</u> resolution re: increase fees for heating inspections	95
<u>Housing Authority</u> - Approval of sale of parcels 25, 32, & 53	104
<u>Harwell, Mrs.</u> - comments re: KISS concert	105
<u>Hearing</u> - demolition of 266 S. Beaumont Street, 17 Hamilton Street, and 37 Magnolia Avenue	107
<u>Housing</u> - ordinance to demolish 266 S. Beaumont Street, 17 Hamilton Street, 107 and 37 Magnolia Avenue, hearing and 1st reading, page 107, 2nd reading, page 117 ; 3rd reading, page ;	
<u>Hamilton Street</u> - ordinance to demolish 17 Hamilton Street, hearing and 1st reading, page 107; 2nd reading, page 119 ; 3rd reading, page 130 ;	
<u>Horton, Vice-Mayor</u> - Comments relative to KISS concert at the Civic Center	113
<u>HUD</u> - Comments by Councilman Rainey relative to HUD approval of Group Home for the Developmentally Disabled in Kenilworth area.	113
<u>Horton, Vice-Mayor</u> - requested information relative to Asheville City School Districts Line to coincide with City Limits.	114
<u>Hall, Mrs. Mary L.</u> - Claim against the City	114
<u>Hearing</u> - closing of a portion of Madison Street within Riverside Park	119
<u>Hearing</u> - Resolution of intent to close a portion of Alabama Avenue and calling and public hearing on the question - scheduling of hearing, page 127; hearing and approval, page .	127
<u>Hobson Construction Company</u> - received contract for Rosscraggon-Appian Way 8-inch water line	127
<u>Hearing</u> - scheduling of public hearing for amendment to Ordinance No. 954 amending the role of the Asheville Revitalization Commission scheduling, page 127; hearing and 1st reading, page 155; 2nd reading, page ; 3rd reading, page .	
<u>Housing Opportunity Plan</u> - approving Land-of-Sky Regional Council Regional Housing Opportunity Plan.	127
<u>Harlow, Mr. Walter</u> - reappointed member of Board of Electrical Examiners	137
<u>Hearing</u> - scheduled for amendment to the C. D. Block Grant Application, page 137 hearing held, page 157 .	
<u>Historic Resources Commission</u> - members appointed	138
<u>Hull, Mr. Michael</u> - appointed member of Historic Resources Commission	138
<u>Horton, Vice-Mayor</u> - requested information on illegal mufflers	138

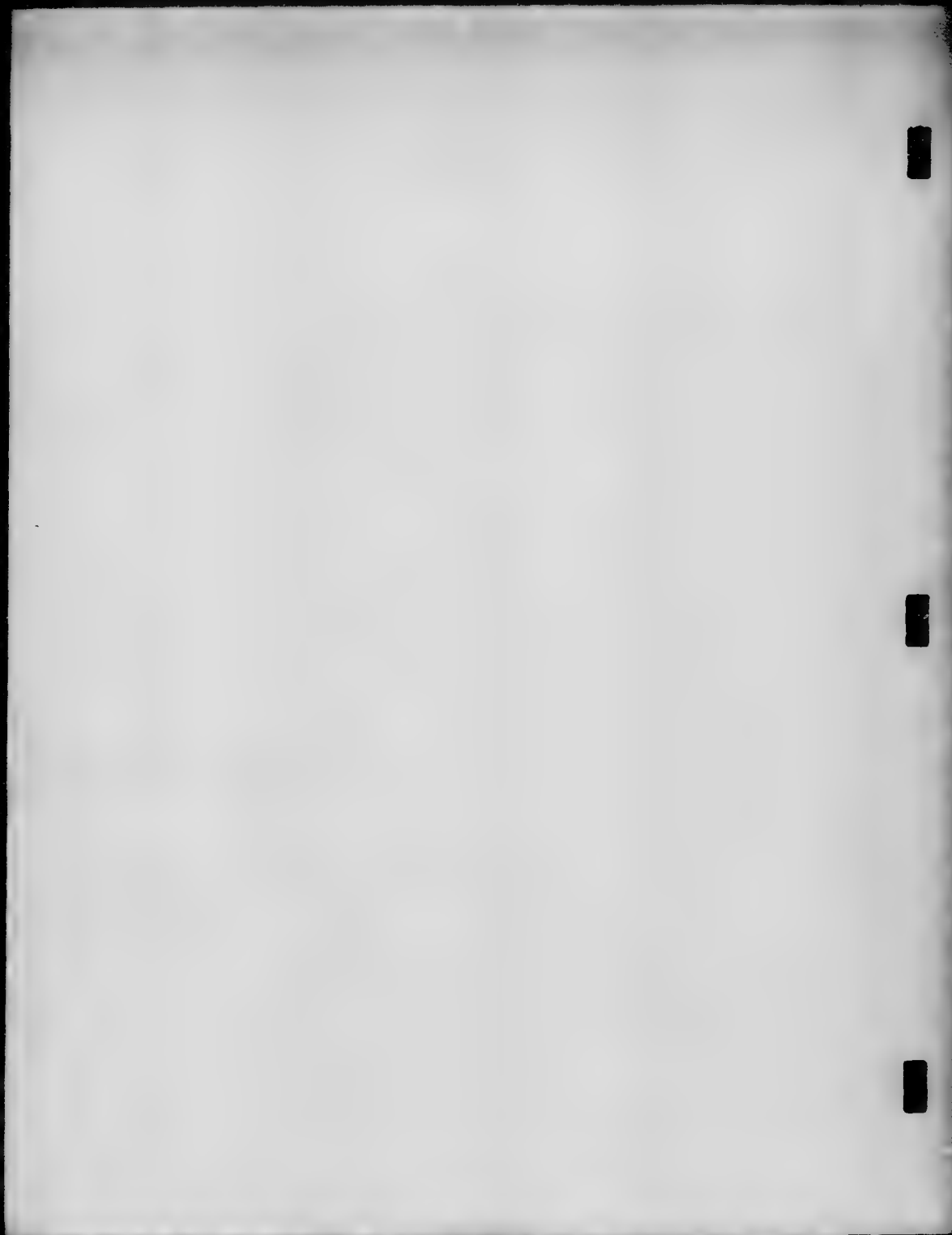
<u>Housing Authority</u> - approval of sale of Disposal Parcels 40, 69, 71, 89, and 190 in the East Riverside Urban Renewal Project area	268
<u>Hendersonville Road</u> - Neagle Sign Company requested approval of sign permit for 400 Hendersonville Road - approval denied.	269
<u>Hallelujah Asheville</u> - Fall Festival Days - Proclamation for October 17-27	270
<u>Hubbard Street</u> - petition received from residents relative to fire hydrant	273
<u>Housing Authority</u> - agreement for the dedication of land in the East Riverside Urban Renewal Area for parcel No. 143.	280
<u>Hansel Street Area</u> - consideration of annexation of this area,- adoption of plan discussed and action taken on the plan, page 286;	
<u>Hobson Construction Company</u> - awarded contract for the project known as Haywood Road 6-inch and 8-inch sewer line.	290
<u>Haywood Road 6-inch and 8-inch sewer line</u> - Hobson Construction Company awarded contract for this project.	290
<u>Haywood Road at Cloyes Street</u> - Rezoning of B. C. Morton Property discussed - referred to Planning and Zoning Commission.	290
<u>Haywood Road and Johnson School Road</u> - request for city to look into road maintenance at this intersection	292
<u>Hendersonville Road</u> - Approval of sign permit for Neagele Sign Co. at 400 Hendersonville Road	293
<u>Haywood Street</u> - Salvation Army's request to install a sidewalk in front of their offices.	304
<u>Hearing</u> - rezoning property on Caledonia Road for Appalachian Hall - hearing scheduled, page 313; hearing and 1st reading, page 341 ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - scheduled on the approval of the site plan for group development; for ~~DeBall~~ Grimes Co. on Charlotte Highway; page 313. -Hearing & approval, page 341.	
<u>Hearing</u> - scheduled on the approval of group development site plan for Asheville Terrace Apartments on Tunnel Road; page 313. Hearing & approval, page 318 .	
<u>Hearing</u> - amending the Zoning Ordinance to include "Family Care Homes," hearing scheduled, page 308; hearing & 1st reading, page ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - scheduled on imposing a moratorium on construction in Beaverdam Valley; page 320.- hearing and 1st reading, page 374	

"H"

<u>Howland Road</u> - hearing scheduled to close portion of Old Howland Road hearing and approval, page 254 .	219
<u>HUD-UDAG Grant Program</u> - final agreement approved	221
<u>Hearing</u> - amendment to rule # 3 to Civil Service Rules and Regulations hearing scheduled, page 228; hearing and approval, page .	228
<u>Hearing</u> - adoption of Superpole Ordinance - structures on rights-of-ways hearing scheduled, page 229; hearing and 1st reading, page ; 2nd reading, page ; 3rd reading, page . hearing continued; page 267. Hearing continued; page 297.	229
<u>Housing Authority</u> - Sale of Disposal Parcels 1, 199, 200, and 201 - East Riverside Renewal Project.	238
<u>Hazel Mill Road Bridge</u> - petition received from individuals regarding improvements to the bridge.	245
<u>Hearing</u> - rezoning property in <u>Beaverdam Valley</u> - hearing scheduled, page 255; hearing and 1st reading, page 294 ; 2nd reading, page ; 3rd reading, page . (tabled)(Moratorium hearing scheduled 320)	
<u>Hearing</u> - rezoning property on Hendersonville Road, property of South Forest Shopping Center, hearing scheduled, page 255; hearing and 1st reading, page 309 ; 2nd reading, page ; 3rd reading, page .	
<u>Hendersonville Road</u> - rezoning property of South Forest Shopping Center, hearing scheduled, page 255; hearing and 1st reading, page 309 ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - scheduled on the approval of a group development plan for the <u>South Forest Shopping Center</u> , page 256- hearing and approval, page 310 .	
<u>Hearing</u> - scheduled on the approval of a group development plan for <u>Dawnwood Condominiums</u> , page 256; hearing and approval, page 285 . hearing date rescheduled, 282	
<u>Hearing</u> - amending the Zoning Ordinance dealing with initiation of amendments hearing scheduled, page 256; hearing and 1st reading, page 298 ; 2nd reading, page ; 3rd reading, page .	
<u>Hearing</u> - amending the Zoning Ordinance relative to group developments, hearing scheduled, page 256; hearing and 1st reading, page 299 ; 2nd reading, page ; 3rd reading, page .	
<u>Harmon, George R.</u> - claim against the city	258



<u>Hearing</u> - scheduled hearing amending Chapter 8, Article II of the Code of Ordinances, Housing Code, page 324, hearing and 1st reading, page 363 ; 2nd reading, page 375 ; 3rd reading, page 381 . hearing rescheduled, page 338	
<u>Huntley Construction Company</u> - contract with this company for Biltmore Avenue 12-inch water line.	324
<u>Housing Code</u> - hearing scheduled amending Chapter 8, Article II of the Code of Ordinance, Housing Code, page 324, hearing and 1st reading, page 363 ; 2nd reading, page 375 ; 3rd reading, page 381 . hearing rescheduled, page 338	
<u>Horton, Bill B.</u> - resolution of appreciation for services as Vice-Mayor	332
<u>Hearing</u> - public hearing held relative to annexation of the area known as Regent Park	335 343 352
<u>Hearing</u> - rate increase for Thoms Cablevision	340
<u>Hearing</u> - relative to Tennessee Valley Authority Flood Maps and Report	342
<u>Hearing</u> - scheduled for rezoning of property at Patton and Pearl Streets hearing held on this matter, page 364 . pg. 372	346
<u>Hearing</u> - scheduled relative to annexation, by petition, of the Marietta Cobb Apartments Company property off Leicester Highway, hearing, pg. 371 ;	348
<u>Housing Incentive Program</u> - amendment to program through Community Development	354
<u>Haber, Richard L.</u> - appointed to Asheville Regional Airport Authority	355
<u>Hensley, Fred W. L.</u> - appointed Chief of Police	357
- <u>Hearing</u> - rezoning of property at the corner of Haywood Road and Cloyes St. scheduling of public hearing, page 367; hearing, page 395 .	367
<u>Haywood Road and Cloyes Street</u> - rezoning of property at the corner for B. C. Morton - hearing scheduled, page 367; hearing and 1st reading, page 395 ; 2nd reading, page ; 3rd reading, page . (see Minute Book 47)	367
<u>Heath, Thomas D. and Jane L.</u> - easement concerning the construction of a water line known as the Rosscraggon-Appian Way Project.	368
<u>Hearing</u> - relative to 6th Year Community Development Block Grant Application hearing scheduled, page 399; hearing held, page .	399



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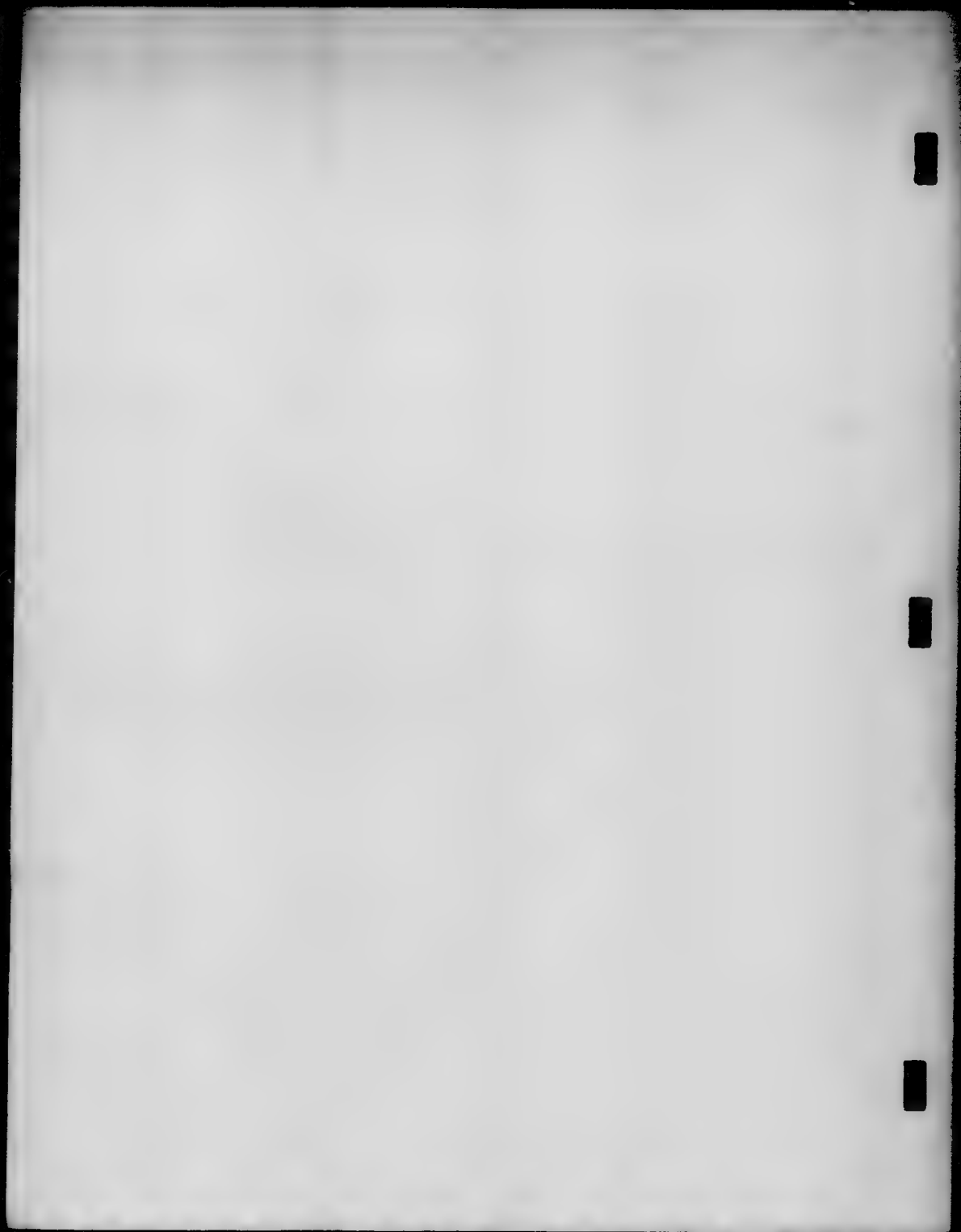
Interstate 40 - Resolution re: interchange - US 25A 71

Indiana Gunitite and Construction Company - contract awarded to this company for Rehabilitation of Patton Mountain Reservoir. 113

Insurance and Bonds - budget amendment relative to this line item 214

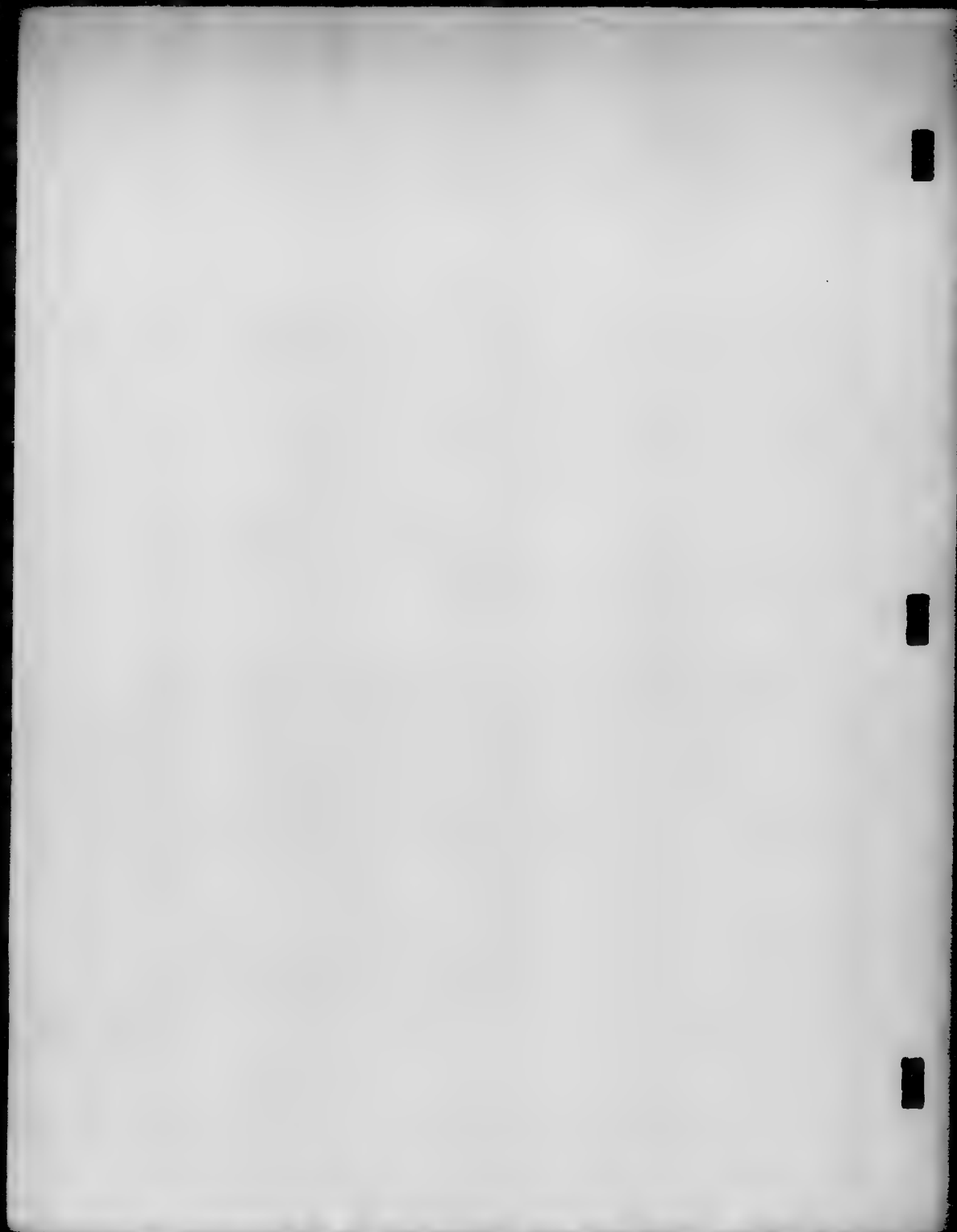
Iran - resolution demanding the release of American Diplomats in Iran 348

Insurance (Worker's Compensation) - authorizing contract for 384



"J"

<u>Johnson, J. E.</u> recognized for receiving award from N. C. Building Inspector's Association for "Building Inspector of the Year"	128
<u>Jackson, Mr. Anthony C.</u> - claim against the city for damage	146
<u>Johnson, Mr. Campbell</u> - recognition to - retirement from the City	155
<u>Janitorial Service</u> - Skyland Janitorial Service awarded contract for annual custodial service in the terminal building at the Airport.	201
<u>Jerry Lewis Muscular Dystrophy Telethon Weekend</u> - Proclamation for September 2 and 3	203
<u>Jerry's Biltmore Gulf</u> - claim against the city	282
<u>Johnson School Road</u> - request for city staff to look into the road maintenance at this intersection.	292
<u>J. M. Sign Company</u> - approval of sign permit for 29 Montford Avenue	354
<u>Junior Achievement Week</u> - Proclamation for week of January 20-26, 1980	378



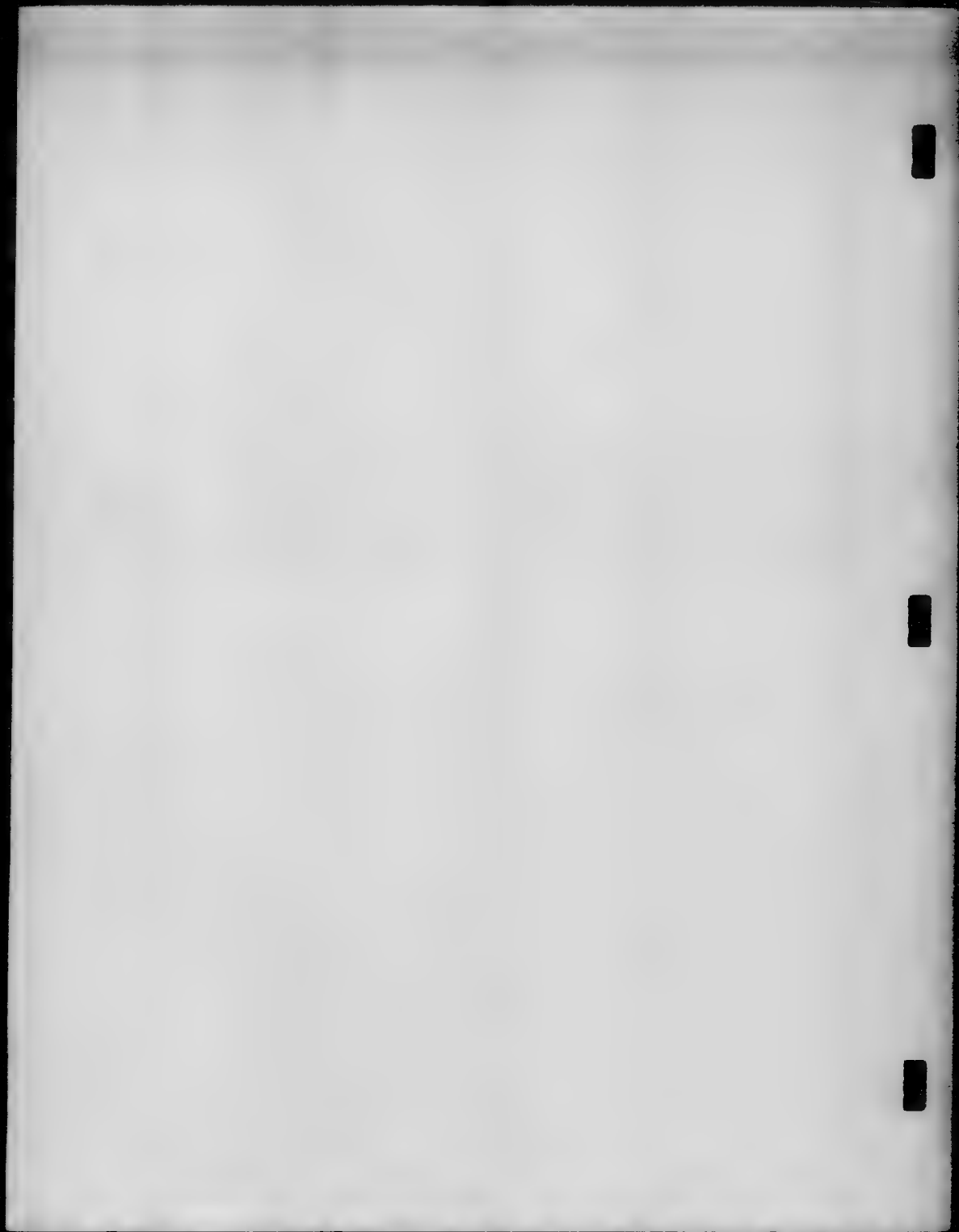
"K"

<u>Kenilworth Residents</u> - Petition opposing home for developmentally disabled citizens.	14
<u>Kenilworth Park</u> - approval of action by the Asheville Housing Authority on condemnation and acquisition proceedings for Kenilworth Park parcels.	83
<u>KISS Concert</u> - deterrents were suggested to discourage performance	105
<u>Kiss Concert</u> - comments by Vice-Mayor Horton relative thereto	113
<u>Kenilworth area-</u> comments by Councilman Rainey relative to letter from HUD to President of Kenilworth Residents Association relative to group home for developmentally disabled in this area.	113
<u>Keenan, Mr. Larry</u> - appointed member of Board of Electrical Examiners	137
<u>Kettleeson, Jackie</u> - certificate of occupancies for dwellings	140
<u>Keener, O. A.</u> - claim against the city	153
<u>Kinser, Mrs. Catheryn</u> - appointed a member of the Asheville-Buncombe County Youth Council.	165
<u>K-Mart to Dreamland 20-inch sewer line</u> - contract with W & W Contracting for this project	171
<u>Keebler Road Project</u> - easement with Grover Redmon concerning construction of fire line for this project.	377

<u>Lord, Anthony -</u>	appointed as a member of the Tree Commission	151
<u>L.E.A.A. Settlements -</u>	approval of interest payments due on L.E.A.A. settlements	151
<u>Linglelback, Donald L. -</u>	claim against the city	153
<u>Law Enforcement Officers' Benefit and Retirement Fund -</u>	budget amendment for employer's contributions.	158
<u>Lottery Sales -</u>	Ralph Bishop spoke relative to	162
<u>L.E.A.A. Settlements -</u>	approval of interest on five settlements and one settlement	166
<u>Lottery Sales -</u>	Ralph Bishop spoke relative thereto	167
<u>Land-of-Sky Regional Council -</u>	contract executed for Nutrition Program	172
<u>Lile, Viola -</u>	report on complaint received August 9, 1979	172
<u>Lottery Sales -</u>	Ralph Bishop spoke relative thereto	174
<u>Library -</u>	Book "Day of the Ching Pao" presented to Library	174
<u>Local Government Study Commission Report -</u>	Reintroduced	204
<u>Lottery Sales -</u>	Ralph Bishop spoke relative thereto	204
<u>Land-of-Sky Regional Council -</u>	agreement for funds for future water site	219
<u>Landfill -</u>	authorization to sell surplus property at landfill	228
<u>Library -</u>	letter from Morris, Golding, Blue and Phillips - re: improvements to Pack Library	232
<u>Lasseter, Gregg -</u>	claim against the City	241
<u>Lockwood, Marjorie -</u>	announced seminar by Amory Lovins on Energy	243
<u>Land-of-Sky Regional Council -</u>	budget amendment appropriating funds through Land-of-Sky Regional Council for renovations to the Senior Opportunity Center and Livingston Street Center.	243
<u>Lovins, Amory -</u>	Marjorie Lockwood said this person would be presenting seminar on energy.	243
<u>Long Shoals Road -</u>	N. C. Dept. of Transportation r/w agreement for water line	270
<u>Loftin, Mrs. Celeste -</u>	appointed to City of Asheville Board of Alcoholic Control	280

"L"

<u>Littering</u> - Discussion by Council relative to proposed legislation by General Assembly on "Bottle Bill"	1, 18
<u>Lottery Sales</u> - complaint by Ralph Bishop	5, 25, 62, 74
<u>Long, Walker D.</u> - complained about maintenance of Redbo Lane	96, 5
<u>Legislative Bulletin</u> - presented to Council highlighting bills before General Assembly	15
<u>Law Enforcement</u> - discussed Civic Center Rock Concert	21
<u>Law Enforcement</u> - discussed Civic Center Parliamentary Procedure	26
<u>Land-of-Sky Regional Council</u> - resolution regarding advertising for bids - Council on Aging Meal Program	61
<u>Loans</u> - Rehabilitation - resolution	61
<u>Land-of-Sky Regional Council</u> - Resolution endorsing the areawide action program update for fiscal year 1979-80	74
<u>Little, Calvin D.</u> - claim against the city	83
<u>Leicester Highway</u> - public hearing scheduled re: rezoning; hearing and 1st reading, page 122 ; 2nd reading, page 132 ; 3rd reading, page 141 ;	94
<u>LEAA</u> - budget amendment to provide partial funding for settlements	95
<u>Larchmont Engineering and Irrigation, Inc.</u> - awarded bid for one (1) trailer mounted self contained irrigation system for use at the Memorial Stadium.	112
<u>Library</u> - Additional funding approved for budget for library	115
<u>Lottery Sales</u> - complaint by Ralph Bishop	116
<u>Land-of-Sky Regional Council</u> - approving Regional Housing Opportunity Plan.	127
<u>Library Building</u> - Resolution accepting high bid and authorizing the sale of the Pack Memorial Library Building.	133
<u>Lipe and Stahle Construction Co.</u> awarded contract for construction of bus shelter at Pritchard Park	133
<u>Library Board</u> reappointed Mrs. Charles Frank and Mr. Walter McGuire to Board	138
<u>Lawrence, Ms. Betty</u> - appointed member of Historic Resources Commission	138
<u>Lottery sales</u> - Ralph Bishop spoke	147

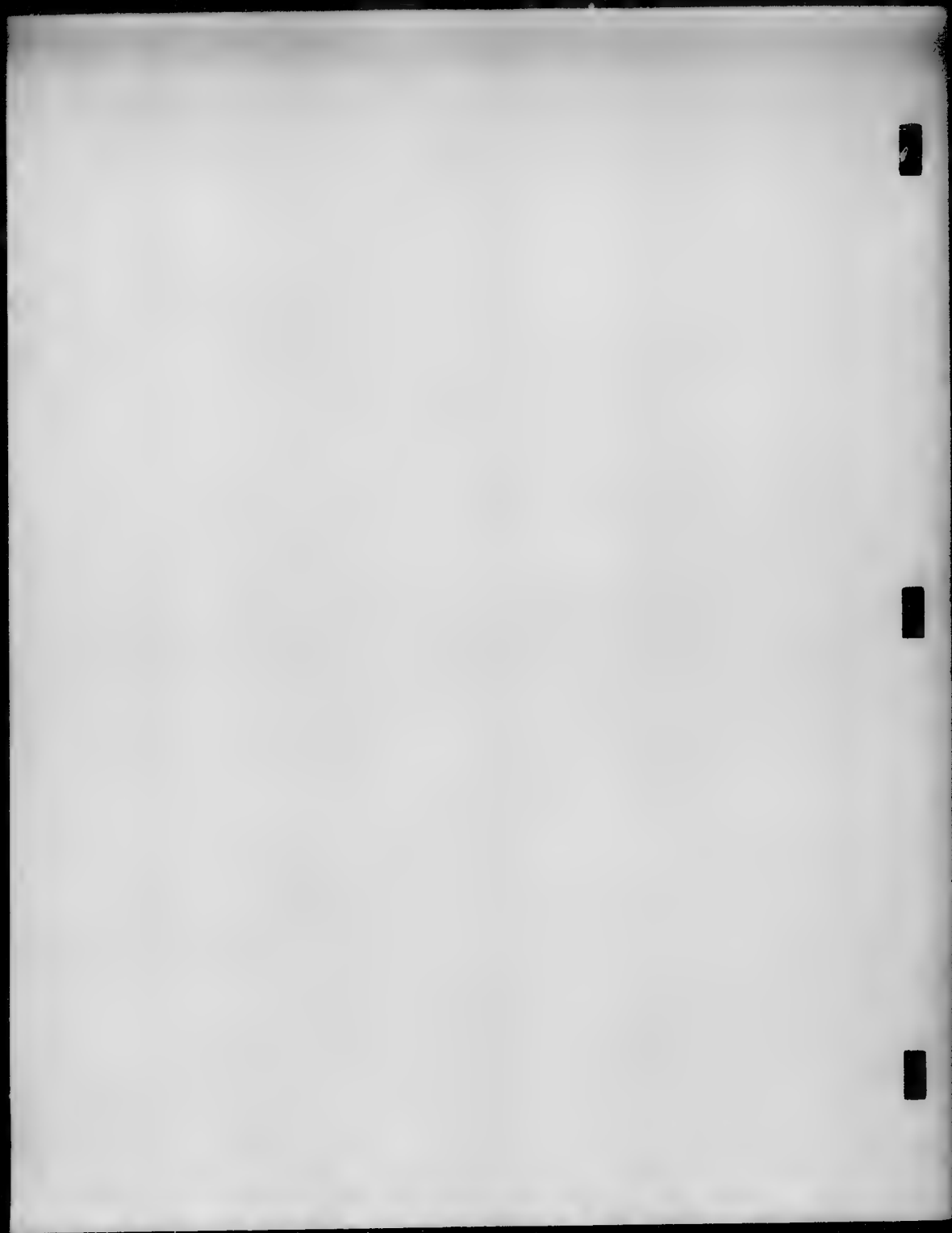


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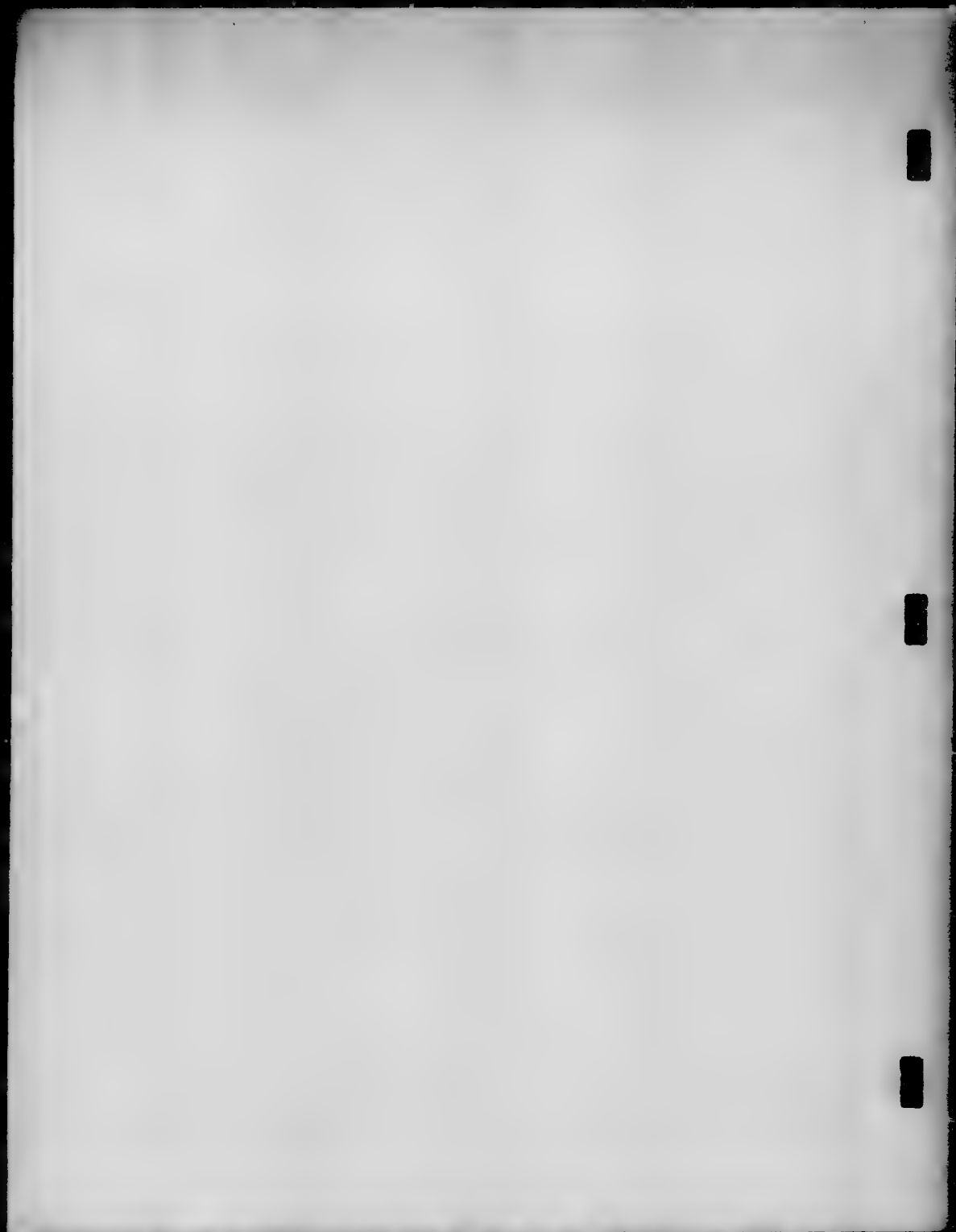
<u>Lung Run Day - Proclamation for November 3, 1979</u>	290
<u>Livingston Street Recreation Center - resolution # 79-241 renaming Livingston Street Recreation Center to William C. Reid Memorial Recreation Center.</u>	293
<u>Lofano, Mr. Vincent - claim against the city.</u>	303
<u>Lottery Sales - Mr. Ralph Bishop spoke</u>	305
<u>Lottery arrests - report on lottery arrests.</u>	314
<u>Lexington Avenue, South - letter presented from Helen Zageir; offering to dedicate 19' for right-of-way.</u>	325
<u>Leicester Highway, New - petition for annexation. Referred to Planning & Zoning.</u>	328
<u>Lepore, Daniel Joseph - Claim against City.</u>	
<u>Lottery Sales - comments by Ralph Bishop</u>	338
<u>Lottery Sales - comments by Ralph Bishop.</u>	349
<u>Library Board -appointment of Mr. Richard P. Chiles</u>	357
<u>Lottery Sales - comments by Ralph Bishop</u>	362
<u>Lecister Highway - annexation of property of Marietta Cobb Apartment Co. - hearing and 1st reading, page 371; 2nd reading, page 379; 3rd reading, page 379 .</u>	371
<u>Liquor Containers (Disposing of) - amendment to code relative thereto</u>	376

<u>Mayer, Ms. Susan</u> - appointed member of Tree Commission	151
<u>Mufflers</u> - Vice-Mayor Horton requested information on illegal mufflers	167
<u>Merrill, Hardie</u> - claim against the city	173
<u>Matthews, Ross</u> - claim against the city	173
<u>Murphy, Ms. Vickie</u> - claim against the City	203
<u>Montford Avenue</u> - ordinance to demolish 230 Montford - hearing scheduled, page 208; hearing and 1st reading, page 248 ; 2nd reading, page 252 ; 3rd reading, page 269 . directives given relative to enforcement, page 289. directive, pg. 344 further discussion, pg. 393 - discussion, pg. 397	
<u>Michael, Councilman-</u> statement relative to Metropolitan Government	215
<u>Metropolitan Government</u> - statement by Councilman Michael	215
<u>Motel, Downtown</u> - report by Councilman Rainey re: obvious prostitution report requested, page 229 - report given, page .	216
<u>Meeting</u> - special meeting of Council scheduled relative to airport contracts	217
<u>Montford</u> - moratorium on rezonings, building permits, and demolitions extended	218
<u>Moratorium</u> -extended for Montford District on rezonings, building permits, and demolitions	218
<u>Marjorie Street Parking Lot</u> - lease agreement with County to provide parking spaces for certain county employees.	228
<u>Morris, Golding, Blue and Phillips</u> - letter from group relative to improvements to Pack Library	232
<u>Marlowe Drive</u> - petition received from residents of Marlowe Drive and Donna Drive relative to street conditions.	246
<u>Moratorium</u> - amendment made to moratorium on development in the Montford Neighborhood	246
<u>Montford Avenue</u> - amendment made to moratorium on development in the area	246
<u>Moratorium</u> - on construction of "group homes for the developmentally disabled"	247
<u>Miller, Ms. Freda Tell</u> - claim against the city	273
<u>Marlowe Drive</u> - report relative to petition from residents of Marlowe Drive and Donna Drive relative to street conditions.	281
<u>Morton, B. C.</u> - discussion of rezoning B. C. Morton's property at Haywood Road at Cloyes Street - referred back to Planning and Zoning Commission.	290
<u>Mufflers</u> - Ordinance No. 1134 -1st reading 288; 2nd reading 288; 3rd reading 301. Regarding discharge of exhaust.	
<u>Moratorium</u> - Ordinance No. 1139; moratorium on issuance of building permits for Group Homes for Developmentally Disabled Adults.	308

<u>Municipal Administration Course</u> - recognition given to David Pruitt and Mike Evans for completion of course.	7
<u>Merrimon Avenue</u> - rezoning property on Merrimon Avenue for Ms. Betty Woods, hearing and 1st reading, page 9; 2nd reading, page 19; 3rd reading, page ;	9
<u>Matney, David E. III</u> - letter relative to Historic Montford, Inc. re: moratorium on demolitions in Montford	13
<u>Montford Avenue</u> - letter from David E. Matney from Historic Montford, Inc. re: moratorium on demolitions in Montford	13
<u>Moore, Herb</u> - Rock dumping in Chunns Cove area by Asheville Contracting Company	24
<u>Meal Program</u> - Resolution re: Land-of-Sky Regional Council Adv. for bids	61
<u>Magnolia Avenue</u> - Resolution re: demolishing dwelling houses	72
<u>Mitchell, Steve</u> - Resolution appointing member to the Planning and Zoning Commission	73
<u>Moratorium</u> - report from planning and zoning on commercial building permits - resolution to be enforced for 90-day period	91
<u>Montford district</u> - report from planning and zoning on commercial building permits - resolution to be enforced for 90-day period	91
<u>Madison Street</u> - resolution of intent to close a portion of & scheduleing public hearing for July 12, 1979; hearing page 119;	93
<u>Magnolia Avenue</u> - ordinance to demolish 37 Magnolia Avenue, hearing and 1st reading, page 107; 2nd reading, page 117 ; 3rd reading, page 130.	
<u>Memorial Stadium</u> - Bids awarded to Larchmont Engineering and Irrigation, Inc. for one (1) trailer-mounted self contained irrigation system for use at the Memorial Stadium.	112
<u>Meeting</u> - Council meeting for July 5, 1979 cancelled	114
<u>Motion Picture Operators</u> - reappointment of Mr. L. B. Simmons and Mr. Roy Gibbs	137
<u>Mitchell, Mr. Steve</u> - reappointed to Planning and Zoning Commission	138
<u>McGuire, Mr. Walter</u> - reappointed to Library Board	138
<u>Mufflers</u> - Comments by Vice-Mayor Horton relative to illegal mufflers	138
<u>Muirfield</u> - encroachment agreement for water lines	139
<u>Malvern Hills</u> - Petition complaining about rates and rental at pool	140



<u>Miles, Elwood B. -</u>	Claim against City	330
<u>McAllister, Charles Earl -</u>	Claim against City	330
<u>Mayor -</u>	Election of Roy M. Trantham as Mayor	331
<u>Mayor-Vice -</u>	Election of Ralph D. Morris, Jr. as Vice-Mayor	331
<u>Michael, Dr. Otis B. -</u>	resolution of appreciation for services as Councilman	332
<u>Musical Groups -</u>	support given to "Going Baroque" and "Hill Street Baptist Church Youth and Young Adult Choir" for concert to be given downtown.	345
<u>Mayhew Construction Co. -</u>	awarded bid to furnish and install doors on the bus storage shed for the Asheville Transit Authority.	346
<u>Management Improvement Corporation of America (MICA) -</u>	contract for services	347
<u>Marietta Cobb Apartment Company property -</u>	annexation of property off Leicester Highway - pages 348, hearing and 1st reading, page 371; 2nd reading, page 379; third reading, page 379 .	348
<u>Montford Avenue -</u>	approval of sign permit for J. M. Sign Company for 29 Montford Avenue	354
<u>Municipal Agreement -</u>	with N.C. Board of Transportation relative to intersection improvements on U.S. 70-74.	356
<u>Miles, Elwood B. -</u>	claim against the city	357
<u>Matthews, Chris -</u>	claim against the city	357
<u>Merrill, Ronald -</u>	claim against the city	357
<u>Morton, Mr. B. C. -</u>	rezoning of property at the corner of Haywood Road and Cloyes Street - hearing scheduled, page 367, hearing and 1st reading, page 395 ; 2nd reading, page ; 3rd reading, page . <i>See Minute Book 47</i>	367
<u>Medler, Herman P.-</u>	spoke relative to proposed West Asheville Mall	369
<u>Moratorium -</u>	on issuance of zoning permits in Beaverdam Valley - hearing page 1st reading, page 374, 2nd reading, page 380; 3rd reading, page 387 .	374
<u>Meece, Mr. Roy -</u>	reappointed member of Asheville Transit Authority	383
<u>Metropolitan Sewerage District Board -</u>	reappointment of Mr. Walter J. Boggs	383
<u>Mall - West Asheville -</u>	comments relative to proposed mall	385
<u>Montford Recreation Center -</u>	bids approved for sixty coin operated lockers	390

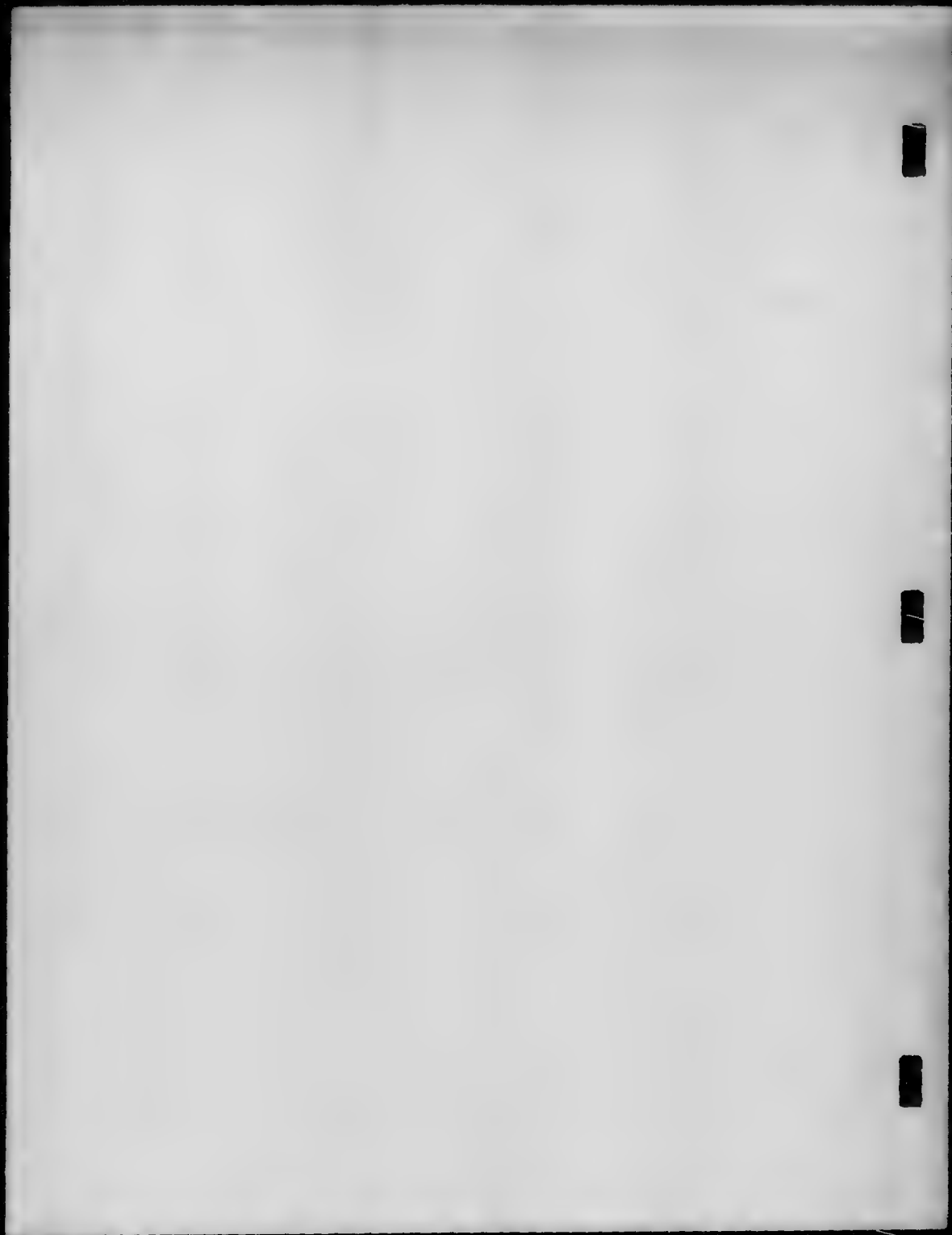


"Mc"

<u>McKinney, Jeff</u> - commented that the pay increase for employees of Meter Repair Shop was unjust.	106
<u>McDaris, Ms. Cathy</u> - Claim against city	138
<u>McCurry, Tom</u> - appointed a member of the Board of Adjustments	165
<u>McCurry, T. O.</u> - sold Disposal Parcel no. 10 in the East Riverside Renewal Project	181
<u>McDonald, James C.</u> - consideration given to the sale of Disposal Parcel 181 No. 123 to this person - action tabled, page 181; action tabled again, page 206 .	

<u>Nesby, Mrs. Elrita -</u>	appointed member of Tree Commission	151
<u>N. C. Department of Crime Control and Public Safety -</u>	grant award for Hillcrest Enrichment Program	159
<u>Neagle Sign Company -</u>	approval of Sign Permits for 766 Patton Avenue and Tunnel Road	164
<u>Nutrition Program -</u>	contract executed for Land-of-Sky Regional Council	172
<u>N. C. Youth Advisory Council -</u>	grant for the WNC Nature Center Project of the Asheville-Buncombe County Youth Council.	201
<u>Nature Center -</u>	grant from N. C. Youth Advisory Council for the Asheville-Buncombe County Youth Council	201
<u>North Carolina Department of Transportation -</u>	r/w agreement concerning construction of new sidewalks at Poplar and Charlotte Street Extension.	208
<u>North Asheville Park Property -</u>	petition from residents and citizens relative to this park- re: rezoning property or amending zoning ordinance.	234
<u>N. D. Dept. of Transportation -</u>	R/W agreement for State Road #2719	257
<u>N. C. Dept. of Transportation -</u>	R/W agreement for Choctaw and College Street	257
<u>Neagle Sign Company -</u>	approval requested for sign permit at 400 Hendersonville Road - request denied.	269
<u>N. C. Dept. of Transportation -</u>	R/W agreement for U. S. 25 approximately 2400' north from N. C. 280 (Long Shoals Road)	270
<u>N. C. Local Government Employees Retirement System -</u>	Two resolutions enlisting members of the Asheville General Employees Retirement Plan and unenrolled members of the City of Asheville to this system.	278
<u>Noise Ordinance -</u>	amendment relative to discharge of exhaust from automobile mufflers	281 287
<u>Neagle Sign Co. -</u>	approval of sign permit for 400 Hendersonville Road	293
<u>Neagle Sign Co. -</u>	approval of sign permit for Fairview Road	294
<u>Nursing home -</u>	resolution No. 79-242 adopted - proposed plan of financing the cost for a nursing home to be called Victoria Health Care Center - developer Brookwood Investments, Ltd.	300
<u>N.C. Local Government Employees' Retirement System -</u>	letter report from Sam Graves relative to the election to participate in the N.C. L.G.E.R.S.	303
<u>N.C. Department of Transportation -</u>	resolution entering into municipal agreement with N.C. Dept. of Transportation; approved.	323

<u>N. C. League of Municipalities</u> - requested endorsement of positions on several bills now before General Assembly.	15
<u>Northwestern Bank</u> - claim against the City	15
<u>North Asheville Park</u> - Budget amendment to appropriate funds	21
<u>NC Department of Transportation</u> - Resolution - right-of-way encroachment agreement - Asheville Airport Runway Extension	23
<u>Non-conforming Uses</u> - scheduling a public hearing	23
<u>Neptune Water Meter Company</u> - approval of bids received May 14, 1979 water meters.	23
<u>National Car Rental Agreement</u> - resolution - amendment at Asheville A/P	24
<u>NC Equipment Company</u> - Bid received for one 10-yard vacuum type street sweeper	71
<u>NC Division of Archives and History</u> - Resolution re: execution of Memo of Agreement for Phase II of the Buncombe County Historic Properties Inventory	73
<u>Nightclubs-</u> ordinance regulating placement of in the City - 1st reading, page 81; 2nd reading, page 90 ; 3rd reading, page 100.	
<u>Neagle</u> - sign permits - action was deferred until July 5, 1979.	92
<u>NC Dept of Transportation</u> - will obtain Federal-aid funds necessary to install the street school markings.	93
<u>NC Dept of Crime Control and Public Safety</u> - Resolution re: mobile Police Service Center	105
- Resolution re: alarm system	105
<u>NC Dept of Transportation</u> - R/W agreement for water line at Airport Plaza	127
<u>Neagle Sign Company</u> - approval of six sign permits for this company Riverside Drive- 3. S. Tunnel Road - U. S. 74, I-240, I-240, Tunnel Road at Chunns Cove Road	134
<u>N.C. Department of Human Resources</u> - contract for 1978-79 Water System Improvements Project	136
<u>NCDOT</u> - encroachment agreement for water lines in Glen Meadows	139
- encroachment agreement for water lines in Muirfield	139
- encroachment agreement for water lines in Turnberry	139
<u>Nesbitt, Mary C.</u> - resolution in memory of	149
<u>Neagle Sign Company</u> - approval of two sign permits	150



"N"

<u>Nuisance</u> - 12 Stephens Hill Road declared a nuisance	343
<u>North Carolina Department of Transportation</u> - agreement for Project 80-P-01	346
<u>N. C. Department of Transportation</u> - municipal agreement relative to intersection improvements on US 70-74	356
<u>N. C. Dept. of Agriculture</u> - easement with this dept. concerning construction, operating and maintaining a water line.	368
<u>N. C. Youth Advisory Council</u> - mini-grant for Convention II Project of the Asheville-Buncombe County Youth Council.	391
<u>N. C. Dept. of Transportation</u> - Use and Occupancy Agreement with N. C. Dept. of Transportation for relocation of Town Mountain Road.	398

ORDINANCE NO. 1102
AN ORDINANCE AMENDING THE SANITATION
CODE OF THE CITY OF ASHEVILLE

1st reading
2nd reading 64/tabled
3rd reading

ORDINANCE NO. 1105
AN ORDINANCE AMENDING THE SANITATION
CODE OF THE CITY OF ASHEVILLE

1st reading 67
2nd reading 79
3rd reading 79

ORDINANCE NO. 1106
AN ORDINANCE TO AMEND ORDINANCE NO. 965
ESTABLISHING A GRIEVANCE PROCEDURE FOR
EMPLOYEES OF THE CITY OF ASHEVILLE

1st reading 71
2nd reading 71
3rd reading 71

ORDINANCE NO. 1107
AN ORDINANCE ADOPTING AND APPROPRIATING
THE OPERATING BUDGET AND FIXING THE
TAX RATE OF THE CITY OF ASHEVILLE
FOR THE FISCAL YEAR 1979-80

1st reading 81
2nd reading 85
3rd reading 97

ORDINANCE NO. 1108
AN ORDINANCE AMENDING ORDINANCE NO. 322
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE,"
AS AMENDED (Regulations of Nightclubs,
Bars and Private Clubs)

1st reading 83
2nd reading 90
3rd reading 100

ORDINANCE NO. 1109
AN ORDINANCE CREATING THE HISTORIC
RESOURCES COMMISSION OF ASHEVILLE
AND BUNCOMBE COUNTY

1st reading 86
2nd reading 86
3rd reading 87

ORDINANCE NO. 1110
AN ORDINANCE AMENDING ORDINANCE No. 322,
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE," AS
AMENDED (non-conforming use)

1st reading 87
2nd reading 100
3rd reading 108

ORDINANCE NO. 1111- AN ORDINANCE
AMENDING ORDINANCE NO. 322, KNOWN
AS "AN ORDINANCE PROVIDING FOR
THE ZONING OF THE CITY OF ASHEVILLE
AS AMENDED (WNC Baptist Homes)

1st reading 88
2nd reading 101
3rd reading 108

ORDINANCE NO. 1112 - AN ORDINANCE
AMENDING ORDINANCE NO. 322, KNOWN
AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE,"
AS AMENDED

1st reading
2nd reading 101
3rd reading

ORDINANCE NO. 1113 - AN ORDINANCE
AMENDING ORDINANCE NO. 424, KNOWN
AS "AN ORDINANCE ESTABLISHING
REGULATIONS FOR THE DEVELOPMENT OF
REAL ESTATE SUBDIVISIONS."
2nd - 102 - 3rd:

ORDINANCE NO. 1114 - AN ORDINANCE
PROVIDING FOR REVISIONS TO THE
WATER RATES AND CHARGES (increasing)

1st reading 89
2nd reading 103
3rd reading

ORDINANCE NO. 1115 - AN ORDINANCE
AMENDING SECTION 20-2 OF CHAPTER 20
OF THE CODE OF ORDINANCES ENTITLED
PLUMBING PERMITS - INSPECTIONS, FEES
(increase in fees for heating
inspections)

1st reading 91
2nd reading 91
3rd reading 91

ORDINANCE NO. 1116 - AN ORDINANCE
AMENDING SECTION 11-54 ENTITLED
INSPECTION FEES - GENERALLY AND
SECTION 11-55 ENTITLED SAME --FOR
EXTRA INSPECTIONS, OF CHAPTER 11
OF THE CODE OF ORDINANCES - Increasing
Electrical Inspection Fees

1st reading 92
2nd reading 92
3rd reading 92

"ORDINANCES"

ORDINANCE NO. 1099

AN ORDINANCE AMENDING THE OPERATING
BUDGET AND CAPITAL BUDGET FOR THE CITY
OF ASHEVILLE FOR FISCAL 1978-79

(Incorporating budget amendments)

1st reading	4
2nd reading	4
3rd reading	4

ORDINANCE NO. 1100

AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF ASHEVILLE,
NORTH CAROLINA

(W.N.C. Baptist Homes, Inc.
Richmond Hills)

1st reading	7
2nd reading	7
3rd reading	18

ORDINANCE NO. 1101

AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE", AS AMENDED

(Property on Merrimon Avenue)

1st reading	9
2nd reading	19
3rd reading	

ORDINANCE NO. 1103

AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

(Zoning Airport Property)

1st reading	20
2nd reading	55
3rd reading	67

ORDINANCE NO. 1104

AN ORDINANCE AMENDING ORDINANCE
NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE CITY
OF ASHEVILLE", AS AMENDED

(crematories permit)

1st reading	55
2nd reading	68 postponed, 81
3rd reading	Tabled, page 102

ORDINANCE NO. 1129-
AN ORDINANCE DIRECTING THE HOUSING
OFFICER TO DEMOLISH THE DWELLING
HOUSE KNOWN AS 230 MONTFORD AVENUE

First Reading - 248

Second Reading- 252

Third Reading - 269

See directives - 289

ORDINANCE NO. 1130 -
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED
(Beverly Hills area)

First Reading- 250

Second Reading- 260

Third Reading- 276

ORDINANCE NO. 1131 -
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE
CITY OF ASHEVILLE," AS AMENDED
(Sweeten Creek Road)

First Reading - 254

Second Reading - 259

Third Reading - 259

ORDINANCE NO. 1132 -
AN ORDINANCE AMENDING ORDINANCE NO.
861, KNOWN AS "AN ORDINANCE
ESTABLISHING THE ASHEVILLE GENERAL
EMPLOYEES RETIREMENT PLAN AND TRUST"

First Reading - 279

Second Reading - 279

Third Reading - 279

ORDINANCE NO. 1133 -
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE
CITY OF ASHEVILLE," AS AMENDED
(Playgrounds or Parks)

First Reading - 278 (tabled)

First Reading -

Second Reading -

Third Reading -

ORDINANCE NO. 1134
AN ORDINANCE AMENDING SECTION 18-12
(b) (7) OF THE CODE OF ORDINANCES
OF THE CITY OF ASHEVILLE REGARDING
THE DISCHARGE OF EXHAUST

First Reading - 288

Second Reading - 288

Third Reading - 301

ORDINANCE NO. 1135
AN ORDINANCE AMENDING THE WATER AND
SEWER CAPITAL CONSTRUCTION FUND
CAPITAL PROJECTS ORDINANCE IN
EFFECT AS OF JULY 1, 1979
(revision of certain appropriations)

First Reading - 288

Second Reading - 288

Third Reading - 288

ORDINANCE NO. 1137
AN ORDINANCE AMENDING ORDINANCE NO. 322
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE," AS
AMENDED (INITIATION OF AMENDMENTS)

First Reading - 298

Second Reading - 311

Third Reading - 315

ORDINANCE NO. 1138
AN ORDINANCE AMENDING ORDINANCE NO. 322
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE," AS
AMENDED (GROUP DEVELOPMENT SECTION)

First Reading - 299

Second Reading - 311

Third Reading - 316

ORDINANCE NO. 1117

AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 266 SOUTH BEAUMONT STREET, 17 HAMILTON STREET, AND 37 MAGNOLIA AVENUE

First reading - 107

Second reading- 117

Third reading - 130

ORDINANCE NO. 1118

AN ORDINANCE AMENDING SECTION 15 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, INSERTING A CLASSIFICATION FOR REFUSE HAULERS

First Reading - page 109

Second Reading - 118

Third Reading -

ORDINANCE NO. 1119

AN ORDINANCE AMENDING THE OPERATING BUDGET AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL 1978-79

First Reading - 110

Second Reading - 110

Third Reading - 110

ORDINANCE NO. 1120

AN ORDINANCE AMENDING ORDINANCE NO. 933 KNOWN AS AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE AREA CIVIC CENTER COMMISSION

First Reading - 111

Second Reading - 111

Third Reading - 111

ORDINANCE NO. 1121

AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

(Chunns Cove Road)

First Reading 119

Second Reading 131

Third Reading 177

(postponed - page 149)

ORDINANCE NO. 1122

AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

(Green Hills Cemetery - New Leicester Highway)

First Reading 122

Second Reading 132

Third Reading 141

ORDINANCE NO. 1123

AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

(changing capacity of containers)

First Reading 123

Second Reading 123

Third Reading 123

ORDINANCE NO. 1124

AN ORDINANCE CONCERNING ALARM SYSTEM BUSINESSES, SYSTEMS AND USERS WITHIN THE CITY OF ASHEVILLE

First Reading 132

Second Reading 141

Third Reading 150 -158

ORDINANCE NO. 1125

AN ORDINANCE AMENDING ORDINANCE NO. 1065 KNOWN AS "AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION"

First Reading 150

Second Reading

Third Reading

ORDINANCE NO. 1126

AN ORDINANCE AMENDING ORDINANCE NO. 954, KNOWN AS AN ORDINANCE ESTABLISHING THE ASHEVILLE REVITALIZATION COMMISSION

First Reading 155

Second Reading 168

Third Reading 177

ORDINANCE NO. 1127

AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Fraternal and Philanthropic Organizations)

First Reading

Second Reading- 205

Third Reading - 213

ORDINANCE NO. 1128

AN ORDINANCE AMENDING SECTION 29-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO DESIGNATE THE DIRECTOR OF WATER AND SEWER SERVICES AS THE ISSUER OF PERMITS FOR USE OF WATER FROM FIRE HYDRANTS AND TO PROVIDE AN ADDITIONAL PENALTY FOR VIOLATION

First Reading 181

Second Reading 181

Third Reading 181

ORDINANCE NO. 1150

AN ORDINANCE RELATING TO AMENDMENTS
TO CHAPTER 8, ARTICLE II OF THE CODE
OF ORDINANCES, KNOWN AS THE HOUSING
CODE

First Reading
Second Reading
Third Reading 381

ORDINANCE NO. 1151

AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF ASHEVILLE, NORTH
CAROLINA (Marietta Cobb Apartments
Company off Leicester Highway)

First Reading -
Second Reading - 379
Third Reading - 379

ORDINANCE NO. 1152

AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN AS "AN ORDINANCE PROVIDING FOR
THE ZONING OF THE CITY OF ASHEVILLE,"
AS AMENDED (Rezoning property at the
corner of Patton and Pearl Streets)

First Reading
Second Reading - 379 -defeated
Third Reading 388 reconsideration

ORDINANCE NO. 1153

AN ORDINANCE IMPOSING A LIMITED MORATORIUM
ON DEVELOPMENT IN THE BEAVERDAM VALLEY
AREA

First Reading
Second Reading - 380
Third Reading - 387

ORDINANCE NO. 1154

AN ORDINANCE REPEALING SECTION 18-22 (c)
OF THE ASHEVILLE CODE OF ORDINANCES
DEALING WITH THE DISPOSAL OF LIQUOR
CONTAINERS

First Reading 377
Second Reading 377
Third Reading 377

ORDINANCE NO. 1155

AN ORDINANCE AMENDING THE OPERATING AND
CAPITAL BUDGET FOR THE CITY OF ASHEVILLE
FOR FISCAL YEAR 1979-80 (Summarizing
and ratifying budget amendments)

First Reading 381
Second Reading 381
Third Reading 381

ORDINANCE NO. 1156

AN ORDINANCE TO AMEND ORDINANCE NO. 965
ESTABLISHING A GRIEVANCE PROCEDURE
FOR EMPLOYEES OF THE CITY OF ASHEVILLE

First Reading 388
Second Reading 388
Third Reading 388

ORDINANCE NO. 1139
AN ORDINANCE PROVIDING FOR A LIMITED
MORATORIUM ON THE ISSUANCE OF BUILDING
PERMITS FOR GROUP HOMES FOR DEVELOPMENTALLY
DISABLED ADULTS

First Reading - 308
Second Reading - 308
Third Reading - 308

ORDINANCE NO. 1140
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE PROVIDING FOR
THE ZONING OF THE CITY OF ASHEVILLE,"
AS AMENDED

First Reading - 309
Second Reading - 316
Third Reading -

ORDINANCE NO. 1141
AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF ASHEVILLE UNDER
THE AUTHORITY GRANTED BY PART 3, ARTICLE
4-A, CHAPTER 160A OF THE GENERAL STATUTES
OF N. C. (Asheville Country Club Area)

First Reading - 310
Second Reading - 310
Third Reading - 316

ORDINANCE NO. 1142
AN ORDINANCE AMENDING THE OPERATING AND
CAPITAL BUDGET FOR THE CITY OF ASHEVILLE

First Reading - 312
Second Reading - 317
Third Reading -

ORDINANCE NO. 1143
AN ORDINANCE AMENDING ORDINANCE NO. 933,
KNOWN AS "AN ORDINANCE ESTABLISHING AN
ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE
CIVIC CENTER COMMISSION"

First Reading - 317
Second Reading - 317
Third Reading - 317

ORDINANCE NO. 1144
AN ORDINANCE SETTING FORTH THE ADMINISTRATION
OF STANDARDS FOR PLACEMENT OF STRUCTURES EITHER
ON, ABOVE, OR BELOW THE SURFACE OF RIGHTS-OF-
WAY OR TRAVEL PORTIONS OF THE STREETS, SIDEWALKS,
ALLEYWAYS, OR OTHER WAYS OF PUBLIC PASSAGE WITHIN
THE CITY OF ASHEVILLE

First Reading - 320
Second Reading - 320
Third Reading - 320

ORDINANCE NO. 1145
AN ORDINANCE AMENDING THE ASHEVILLE-
BUNCOMBE CAPITAL PROJECTS FUND TO
ESTABLISH FUNDING FOR THE PACK SQUARE
REVITALIZATION PROJECT

First Reading - 321
Second Reading - 321
Third Reading - 321

ORDINANCE NO. 1146
AN ORDINANCE AMENDING ORDINANCE NO.
322 KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED (Family Care
Homes)

First Reading - 336
Second Reading - 339

ORDINANCE NO. 1147 - AN ORDINANCE
AMENDING ORDINANCE GRANTING FRANCHISE
TO THOMS BROADCASTING COMPANIES, INC.

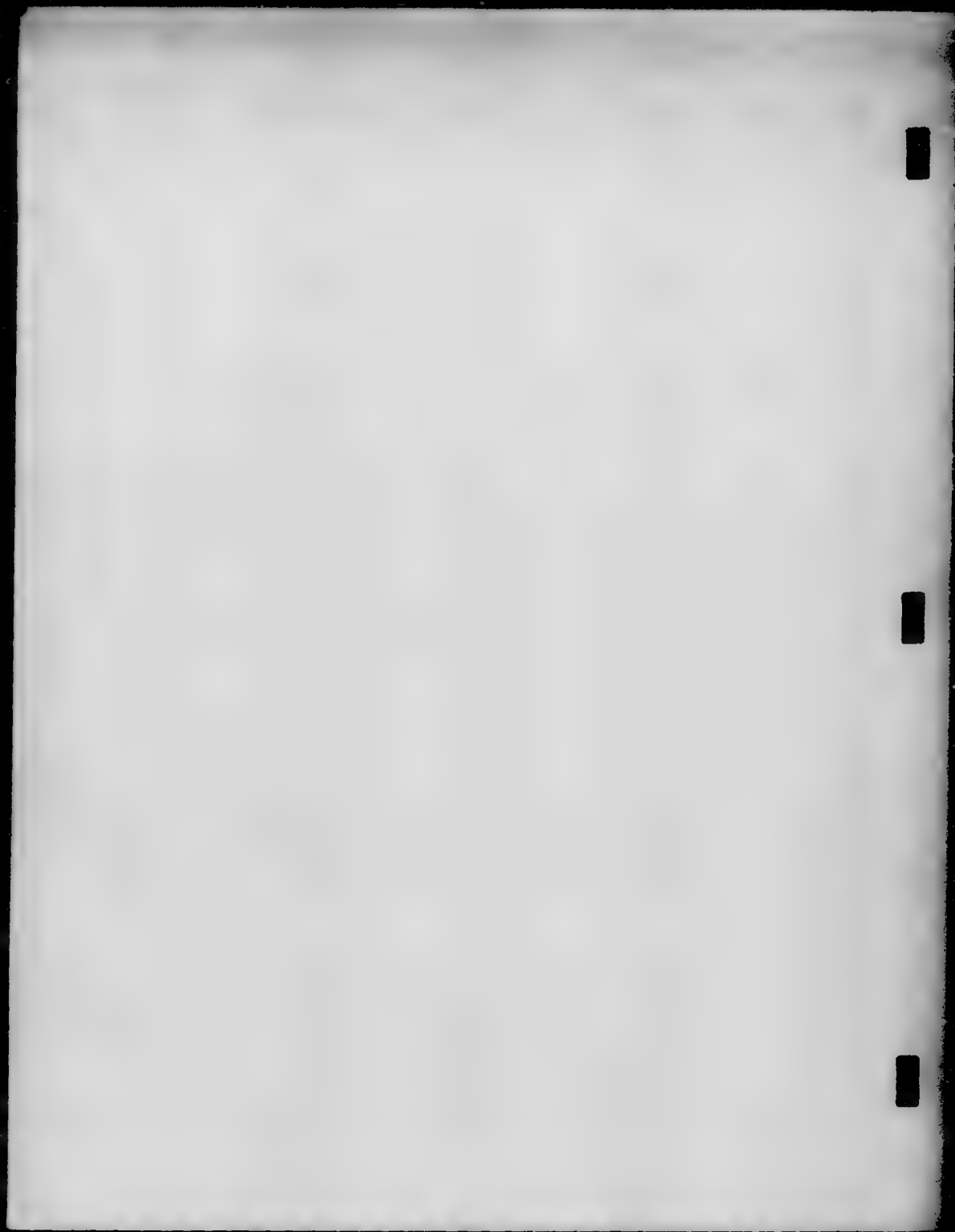
First Reading - 353
Second Reading - 353
Third Reading - 353

ORDINANCE NO. 1148 - AN ORDINANCE AMENDING
ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED (Rezoning
property on Caledonia Road for Appalachian
Hall, Inc.)

First Reading - 353
Second Reading - 353
Third Reading - 353

ORDINANCE NO. 1149 - AN ORDINANCE AMENDING
ORDINANCE NO. 965 ESTABLISHING A GRIEVANCE
PROCEDURE FOR EMPLOYEES OF THE CITY OF
ASHEVILLE

First Reading - 351
Second Reading - 351
Third Reading - 351



"O"

<u>Outside Agencies</u> -	funding for outside agencies approved by budget amendment	125
<u>Old Asheland Avenue</u>	- naming of street	126
<u>Orchard Street</u> -	Sign Permit approved for Lee Towery at 34 Orchard Street	135
<u>Orchard Street</u> -	Sign Permit approved for Telco Credit Union at 7 Orchard Street	136
<u>Oakley</u> -	Councilman Michael requested report on recent fire in Oakley	208
<u>Operating Room Nurses Day</u> -	Proclamation for November 14, 1979	290
<u>Oaths of Office - Councilmembers</u> -	Ralph D. Morris, Jr., H. C. Wilkes, Harold F. Brownlee, Roy M. Trantham, Norma T. Price, F. Jack Cole, Walter R. Boland	331

<u>Planning and Zoning</u> - resolution for consideration of imposing a limited moratorium on development in the Montford neighborhood	91
<u>Plumbing permits</u> - ordinance to increase fees for heating inspections; 1st reading, page 91 ; 2nd reading, page 91; 3rd reading, page 91 ;	
<u>Pack Square</u> - resolution authorizing easements to Akzona Corp. in public areas	94
<u>Policemen's Pension</u> - resolution appointing a member to the Board	95
<u>Proclamation</u> - 21 day salute - June 14 - July 4, 1979	95
<u>Police Dept.</u> - LEAA settlements	95
<u>Police Dept.</u> Subgrant application with N. C. Dept. of Crime Control and Public Safety for portable alarm systems.	105
<u>Police Dept.</u> - subgrant application with N. C. Dept. of Crime Control and Public Safety for Police Service Center	105
<u>Pay Increase</u> - Comments relative to pay by Jeff McKinney	106
<u>Proclamation</u> - American Enka Week - July 1 - 7, 1979	107
<u>Patton Mountain Reservoir</u> - Budget Amendment approved for rehabilitation of reservoir	109
<u>Parks and Recreation</u> - Bids for 4 wheel drive vehicle and two 3/4 ton pick up trucks awarded to Apple Tree Chevrolet	112
<u>Patton Mountain Reservoir</u> - contract for rehabilitation awarded to Indiana Gunite and Construction Company, Inc.	113
<u>Property</u> - City to have auction on August 11, 1979 of surplus city equipment	113
<u>Pinedale Subdivision</u> - Approval of	123
<u>Pinedale Sewer Line</u> - Funding approved for	124
<u>Preslar, Carter M.</u> - resolution in memory of	130
<u>Proclamation</u> - "Bele Chere Days" - August 9, 10, 11, 1979	130
<u>Pack Memorial Library</u> - Resolution accepting high bid and authorizing the sale of the Pack Memorial Library Building.	133
<u>Pritchard Park</u> - contract awarded to Lipe and Stahle Construction Company for construction of bus shelter at Pritchard Park.	133
<u>Planning and Zoning Commission</u> - Mrs. Pauline Tennant, Mr. Cleatus B. Tate, Mr. William C. Frue, and Mr. Steve Mitchell reappointed to Commission	138
<u>Petition</u> - request for signs and speed breakers by residents of Sylvan Avenue	139
- rates at Malvern Hills Pool and rental of locker space	140

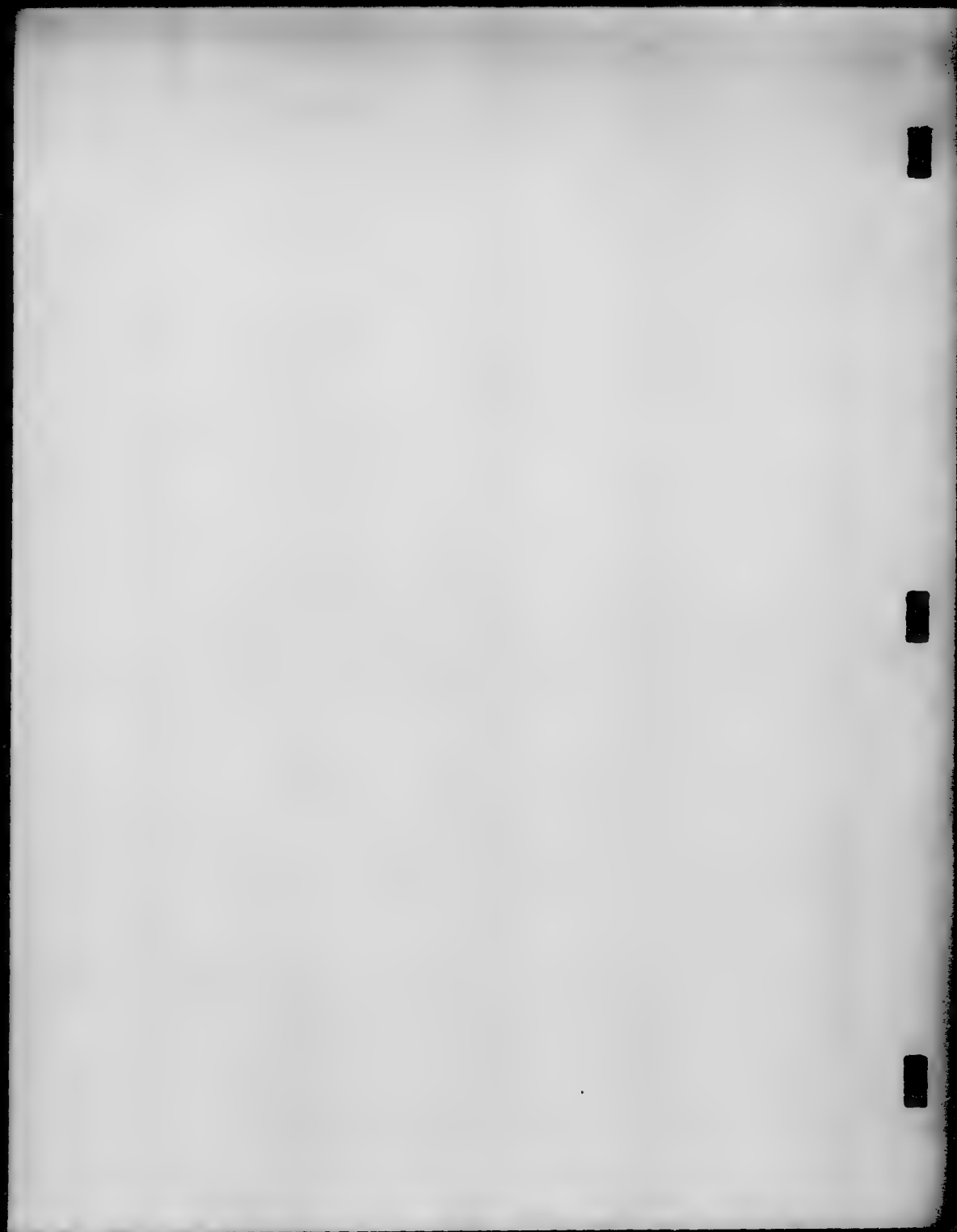
<u>Parks and Recreation</u> - budget amendment relative to renovation of Harvest House	4
<u>Proclamation</u> - National Handicapped Awareness Week - May 13-19, 1979	7
<u>Pruitt, David</u> - Asst. Superintendent of Motor Transport recognized for completing Municipal Administration Course	7
<u>Petition</u> - Residents of Wombolt Avenue - drainage problem	14
<u>Petition</u> - Kenilworth residents opposing home for developmentally disabled citizens.	14
<u>Proclamation</u> - Youth-In-City Government Day - May 17, 1979	17
<u>Proclamation</u> - Resolution of appreciation to Joseph L. Brady for services as chr. Asheville Planning & Zoning Commission	17
<u>Parks & Recreation</u> - budget amendment - appropriating funds for North Asheville Park	21
<u>Policemen</u> - resolution electing members of board of examiners for pension and disability fund	22
<u>Parks & Recreation</u> - approval of bids received May 14, 1979 - recording equipment and accessories for Hillcrest Community Center	23
<u>Proclamation</u> - Vietnam Veterans Week - May 28, 1979	54
<u>Parks & Recreation</u> - resolution to increase certain fees and charges	56
<u>Parks & Recreation</u> - approval of budget amendment - purchase of majorette uniforms - Hillcrest Enrichment Program	61
<u>Police Department</u> - approval of bids received May 18, 1979 - color print processing equipment - LEAA	61
<u>Policemen's Pension</u> - Resolution re: appointing Councilman F. Jack Cole to Board of Trustees	73
<u>Planning and Zoning</u> - Resolution re: appointment of member to council	73
<u>Proclamation</u> - Parks and Recreation volunteer Recognition Day in the City of Asheville	63
<u>Parks and Recreation</u> - Proclamation - volunteer recognition day	63
<u>Piedmont Aviation</u> - Resolution re: signing of agreement by Mayor	69
<u>Proclamation</u> - Burglarly Prevention Month - June, 1979	75
<u>Petition</u> - presented by Michael Blankenship to organize manuscript of the late Dr. J. A. Sondley	84

<u>Petition -</u>	from residents of Sandon Circle for Street Maintenance	203
<u>Proclamation -</u>	Jerry Lewis Muscular Dystrophy Telethon Weekend - Sept. 2 & 3	203
<u>Petition -</u>	from residents of Richmond Hill Drive for extension of bus service	203
<u>Poplar Street -</u>	r/w agreement with N.C.D.O.T. concerning construction of new sidewalks at Poplar and Charlotte Street Extension.	208
<u>Parking -</u>	Comments by Councilman Rainey relative to Downtown Parking	209
<u>Patton Avenue -</u>	Councilman Rainey requested public hearing on annexation of area off Patton Avenue near the Hilton Inn	209
<u>Parks and Recreation -</u>	Authorization for change order for Shiloh Recreation Center	209
<u>Proclamation -</u>	National Cancer Day - September 8, 1979	211
<u>Police Department -</u>	comments by Ralph Bishop relative to this department	211
<u>Parks and Recreation Dept. -</u>	budget amendment for grant from N. C. Dept. of Human Resources - Division of Youth Services.	214
<u>Petition -</u>	from residents of Cisco Road re: Water Problems discussion relative thereto, page 229	216
<u>Parking Signs -</u>	down in downtown district	217
<u>Prostitution -</u>	report by Councilman Rainey relative to motel downtown soliciting report requested, page 229 - report given, page	216
<u>Property -</u>	authorization to sell surplus property at the landfill	228
<u>Parking Spaces -</u>	lease agreement to provide parking spaces for certain county employees at lot on Marjorie Street.	228
<u>Proclamation -</u>	Constitution Week - September 17-23, 1979	231
<u>Parking Garage -</u>	WNC Parking Lot Services, Inc. awarded contract to clean	231
<u>Pack Library -</u>	letter from Morris, Golding, Blue and Phillips- re: improvements	232
<u>Petition -</u>	received from citizens and residents of Asheville re: North Asheville Park Property - re: rezoning of property or amending zoning ordinance.	234
<u>Park Property -</u>	petition received from citizens and residents of Asheville re: North Asheville Park Property - re: rezoning of property or amending zoning ordinance.	234
<u>Prostitution -</u>	report from police department relative to	236
<u>Police Chief -</u>	City Manager reported procedure for the selection of Chief of Police	241
<u>Patton Mountain Reservoir Rehabilitation -</u>	budget amendment for reappropriating funds for completion.	242

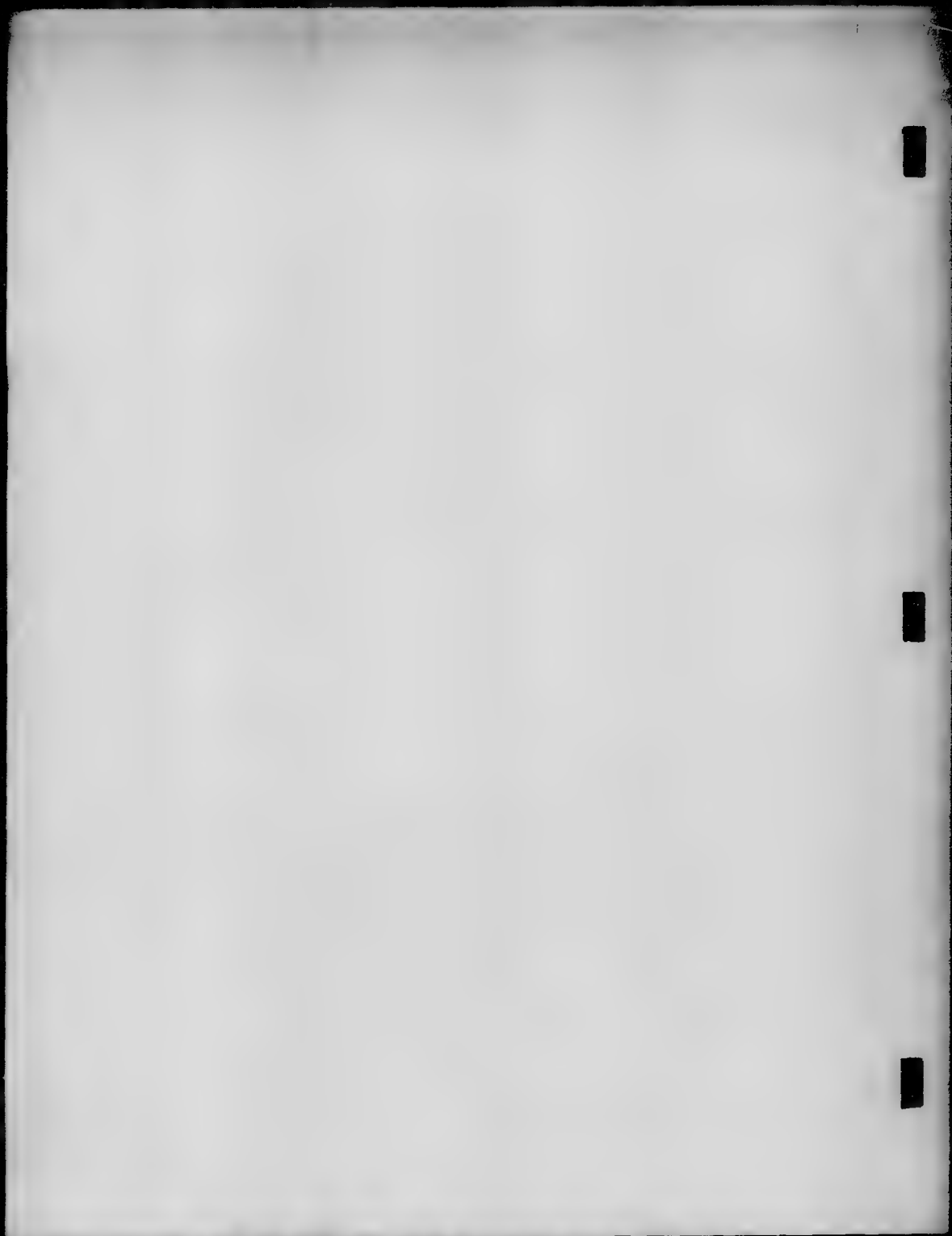
<u>Parks & Recreation</u> - annual permits for Aston Park tennis courts	143
<u>Patton Avenue, 766</u> - approval of sign permit (postponed)	150
<u>Police Department</u> - Approval of interest payments due on L.E.A.A. settlements	151
<u>Pension, Employee's</u> - request by Vice-Mayor Horton for research into the retired general employee's pension.	153
<u>Pinedale Subdivision</u> - r/w easement from Charles C. and Marguerite Cole for water line across their property in this subdivision.	159
<u>Parks and Recreation Fund</u> - budget amendment to set up accounts to execute contract fo the Juvenile Justice and Diliinquency Act of 1974 from Dept. of Crime Control and Public Safety	160
<u>Proclamation</u> - Harold Bass Day - August 11, 1979	161
<u>Proclamation</u> - National Public Parks Tennis Week - August 12-19, 1979	161
<u>Parking Tickets</u> - Ralph Bishop spoke relative to	162
<u>Patton Avenue</u> - approval of sign permit for 766 Patton Avenue for Neagle Sign Co.	164
<u>Parks and Recreation Building</u> - demolition of building on Valley Street	167
<u>Parks and Recreation</u> - budget amendment for additional funds for State of N. C. Department of Crime Control and Public Safety for Hillcrest Enrichment Program.	172
<u>Proclamation</u> - Women's Equality Day - August 26, 1979	173
<u>Proclamation</u> - Buck Stove Weekend - August 24, 25, 26, 1979	173
<u>Police/Fire Baseball Game</u> - Invitation to Council members August 30, 1979	175
<u>Patton, Hunter and Company</u> - Agreement for Procedural and Reporting System for the Water and Sewer Department	182
<u>Parks and Recreation</u> - grant from N. C. Youth Advisory Council for the Western N. C. Nature Center Project of the Asheville-Buncombe County Youth Council	201
<u>Public Works</u> - Budget Amendment for office furniture for Public Works	201
<u>Pay Plan</u> - Budget amendment to implement for 1979-80 Pay Plan	202
<u>Property</u> - authorizing the disposal of city's front-end loaders to other governmental units.	202
<u>Parks and Recreation</u> - Budget amendment ot keep Recreation Park open through December 31, 1979	203

<u>Petition</u> - report relative to petition from residents of Marlowe Drive and Donna Drive relative to street conditions.	281
<u>Parking</u> - Free parking at Civic Center Garage authorized for two UNC-A basketball games in November, 1979.	282
<u>Proclamation</u> - National Epilepsy Month, November, 1979	282
<u>Proclamation</u> - Delta Black Out for Progress - October 28, 1978 - Jan 13, 1980	282
<u>Proclamation</u> - Operating Room Nurses Day - November 14, 1979	290
<u>Proclamation</u> - Bible Week - November 18-25, 1979	290
<u>Proclamation</u> - Youth Appreciation Week - November 4-10, 1979	290
<u>Proclamation</u> - North Carolina Lung Run Day - November 3, 1979	290
<u>Parks & Recreation</u> - resolution # 79-241 renaming Livingston Street Recreation Center to William C. Reid Memorial Recreation Center.	293
<u>Pine Street Improvements</u> - Resolution No. 29-243 ; State Water Bond Grant for Pine Street Improvements; approved -- Resolution No. 29-244 for education on water conservation; approved.	301
	302
<u>Proclamation</u> - Children's Book Week - November 11-17, 1979	303
<u>Police Department</u> - report on lottery arrests.	314
<u>Putman, Bruce Charles</u> - Claim against City.	314
<u>Pack Square Revitalization Project</u> - Ordinance No. 1145 to establish funding for the Pack Square Revitalization Project. All three readings, page 321.	
<u>Pack Square Revitalization Project</u> - resolution to accept a proposal from Carolina Power & Light Co. for underground wiring in Pack Square Rev. Project; adopted.	322
<u>Paving Enterprises, Inc.</u> - contract with Paving Enterprises for Shiloh/Brooklyn Rd. Resolution adopted.	324
<u>Perry Alexander Co.</u> - contract with Perry Alexander Co. for the Bear Creek Road 6-inch Water Line. Resolution adopted.	324
<u>Petition</u> - for annexation of New Leicester Highway near Camelot subdivision -- referred to Planning & Zoning.	328
<u>Patton, Mr. & Mrs. Dewey Patton</u> - Claim against City.	330
<u>Proclamation</u> - Civil Air Patrol Week December 3, 1979.	330
<u>Policemen's Pension, Asheville</u> - appeal from Helen R. Arendale. action taken on pg. 376	330, 350 366,
<u>Bishop, Ralph</u> - comments re: Police Department.	330

<u>Parks and Recreation</u> - budget amendment appropriating funds through Land-of-Sky Regional Council to renovate the Senior Opportunity Center and the Livingston Street Center.	243
<u>Pine Street Water and Sewer Improvements</u> - application for state water bond funds for this project	244
<u>Petition</u> - residents of Hazel Mill Road relative to improvements to bridge	245
<u>Parks and Playgrounds</u> - scheduling of public hearing relative to amendment to the zoning ordinance, hearing and 1st reading, page 278 ; 2nd reading, page ; 3rd reading, page . (tabled)	246
<u>Petition</u> - residents of Marlowe Drive and Donna Drive relative to street conditions.	246
<u>Proclamation</u> - National Fire Prevention Week - October 7 - 13, 1979	247
<u>Proclamation</u> - International Energy Conservation Month - October, 1979	247
<u>Police Chief (Acting)</u> - Ralph Bishop spoke against the appointment of Fred Hensley as Acting Police Chief.	249
<u>Print Shop</u> - Bids approved for offset printing press	255
<u>Proclamation</u> - October 15, 1979 - White Cane Day	258
<u>Parks and Recreation</u> - Budget Amendment approved for equipment for Shiloh Center.	270
<u>Parks and Recreation</u> - proclamation proclaiming October 17 - 27 as Hallelujah Asheville- Fall Festival Days.	270
<u>Parks and Recreation</u> - bids accepted for 150 stacking chairs for the Shiloh Center	271
<u>Proclamation</u> - United Nations Day, October 24, 1979 - United Nations Week, October 21 - 28, 1979	273
<u>Proclamation</u> - UNICEF DAY - October 31, 1979	273
<u>Parking</u> - Free Parking approved at the Civic Center Parking Garage during two UNC-A basketball games in November.	273
<u>Petition</u> - from residents of Hubbard Street relative to fire hydrant	273



<u>Property -</u> authorizing Director of Finance to sell property of Asheville Transit Authority - two Chevrolets and one metal Atlas lathe	337
<u>Parking Days-(Free)</u> - declaring Dec. 24, 25, 26, 1979 and Jan. 1, Feb. 18 April 7, July 4, September 1, and November 28, 1980 as Free parking days in Downtown Asheville.	338
<u>Police Department -</u> comments by Ralph Bishop	338
<u>Police Department -</u> bids for 10 vehicles approved	346
<u>Patton and Pearl Streets -</u> rezoning of property in this area for Harold Talbert hearing scheduled, page 346, hearing and 1st reading, page 364; 2nd reading, page 379; 3rd reading, page (DEFEATED ON 2ND READING) 372 reconsideration of 2nd reading, page 392	346
<u>Parks and Recreation -</u> agreement with Buncombe County Council on Aging for transportation services for the elderly	347
<u>Parks and Recreation -</u> budget amendment approved for funding from the Buncombe County Council on Aging to operate the senior citizen van services	347
<u>Police Department -</u> appointment of Fred W. L. Hensley as Chief	357
<u>Property -</u> authorizing the Director of Finance to sell scrap materials from the Water Maintenance and Construction Division of the Water Department.	367
<u>Proclamation -</u> Junior Achievement Week for January 20 - 26, 1980	378
<u>Police, Chief of</u> - Ralph Bishop spoke in opposition to Fred Hensley being named Chief of Police	378
<u>Property -</u> authorizing sale of Trashmaster to Buncombe County	382
<u>Policemen's Pension and Disability Fund-</u> appeal of Fannie M. Trantham (Pinner) of ruling of Board of Trustees of Policemen's Pension Board	384 388
<u>Parks and Recreation -</u> mini-grant for youth council for Convention II Program	391
<u>Proclamation -</u> 1980 Year of the Volunteer	393
<u>Parks and Recreation -</u> enrichment grant for Reid Memorial and Stephens-Lee Recreation Centers	389
<u>Property -</u> disposition of surplus sanitation division equipment - Frontloader and Rearloader body	398
<u>Proclamation -</u> Fire Education Awareness Week for February 11-17, 1980	399



"Q"

Quality Forward - agreement with (for funding)

152

<u>Rosscraggon - Appian Way Project</u> - contract with Hobson Construction Company, Inc. for this project.	127
<u>Revitalization Commission</u> - scheduling of public hearing to amend the ordinance establishing the commission increasing powers. hearing and 1st reading, page 155 ; 2nd reading, page 168 ; 3rd reading, page 177 .	127
<u>Revitalization Commission</u> - endorsement of promotion program sponsored by "Bele Chere"	128
<u>Railway Station-</u> resolution requesting that the Southern Railway Station in Biltmore not be demolished.	134
<u>Refuse Collection</u> - low bid for bulk container refuse collection	144
<u>Recreation Board</u> - appointing member	145
<u>Rocamora, Mr. William</u> - re-appointed to Recreation Board	145
<u>Revitalization Fund</u> - approval of budget amendment to provide funding for Bele Chere Festival	145
<u>Revenue Sharing Trust Fund</u> - budget amendment for Law Enforcement Officers' Benefit and Retirement Fund.	158
<u>Rights-of-Way</u> - Councilman Rainey requested work session on ordinance relative to structures on	166
<u>Revitalization Commission</u> - Presentation by Housing Projects, Inc. Battery Park Hotel, Inc. and Battery Park Associates, Ltd. relative to denial of Certificate of Appropriateness by the Asheville Revitalization Commission, - denial of Certificate of Appropriateness rescinded by Asheville Revitalization Commission, page	183
<u>Recreation Park</u> - budget amendment to continue operations at Recreation Park through December 31, 1979	203
<u>Richmond Hill Drive</u> - petition from residents for extension of bus service	203
<u>Robertson, Trasley</u> - claim against the City	220
<u>Reid, William C.</u> - resolution of appreciation and sympathy to the family of	223
<u>Regency Park Property</u> - discussion relative to scheduling a public hearing for the annexation of this property.	229

<u>Redbo Lane</u> - Mr. Walker D. Long complained about maintenance of road	5
<u>Richmond Hills</u> -annexation of property in Richmond Hills for W.N. C. Baptist Homes, Inc. - hearing and 1st and 2nd reading, page 7; 3rd reading, page 18 ;	7
<u>Rogers, Mr. T. T.</u> - claim against the City	15
<u>Rock Concerts</u> - discussion of law enforcement at civic center	21
<u>Richmond Hills</u> - scheduling of public hearing relative to zoning property of WNC Baptist Homes in Richmond Hills to R-3 hearing and 1st reading, page 2nd reading, page 101, 3rd, page 108	23
<u>Robinson, John</u> - news reporter transferring	24
<u>Rehabilitation Loans</u> - resolution No. 79-112 - approval of Section 312	61
<u>Ross, Janet R.</u> - claim against the city	62
<u>Ray, Mr. Jesse, Sr.</u> - appointed by Mayor as Commissioner to Housing Authority	72
<u>Rental Rate Structure</u> - Resolution re: adjusting at Civic Center	68
<u>Robinson, R. D.</u> complained about street conditions on South French Broad Avenue.	84
<u>Riverside Park</u> - resolution re: closing a portion to provide for further development	93
<u>Riverside Drive</u> - approval of sign permit for Summey Sign Company for 995 Riverside Drive	97
<u>Refuse Haulers-</u> inserted as classification in the Revenue Ordinance 2nd reading, page 118; 3rd reading, page .	109
<u>Revenue Ordinance -</u> Refuse Haulers added as classification 2nd reading, page 118; 3rd reading, page .	109
<u>Rainey, Councilman</u> - commented on response from HUD on group home for the developmentally disabled in Kenilworth area.	113
<u>Rubbermaid Corporation</u> - requested that Sanitation Code be amended relative to capacity of rollout containers.	116
<u>Riverside Park</u> - closing of a portion of Madison Street within Riverside Park	119

Roberts, Dr. Roy F. - reappointed to the Western North Carolina Regional Air Pollution Board 383

Rowland, Anna Marie - claim against the city 384

Reid Memorial - enrichment grant for this recreation center 389

Rehabilitation Grant Program - amendment to this Community Development program 389

Recreation Center - bids approved for lockers for Montford Recreation Center 390

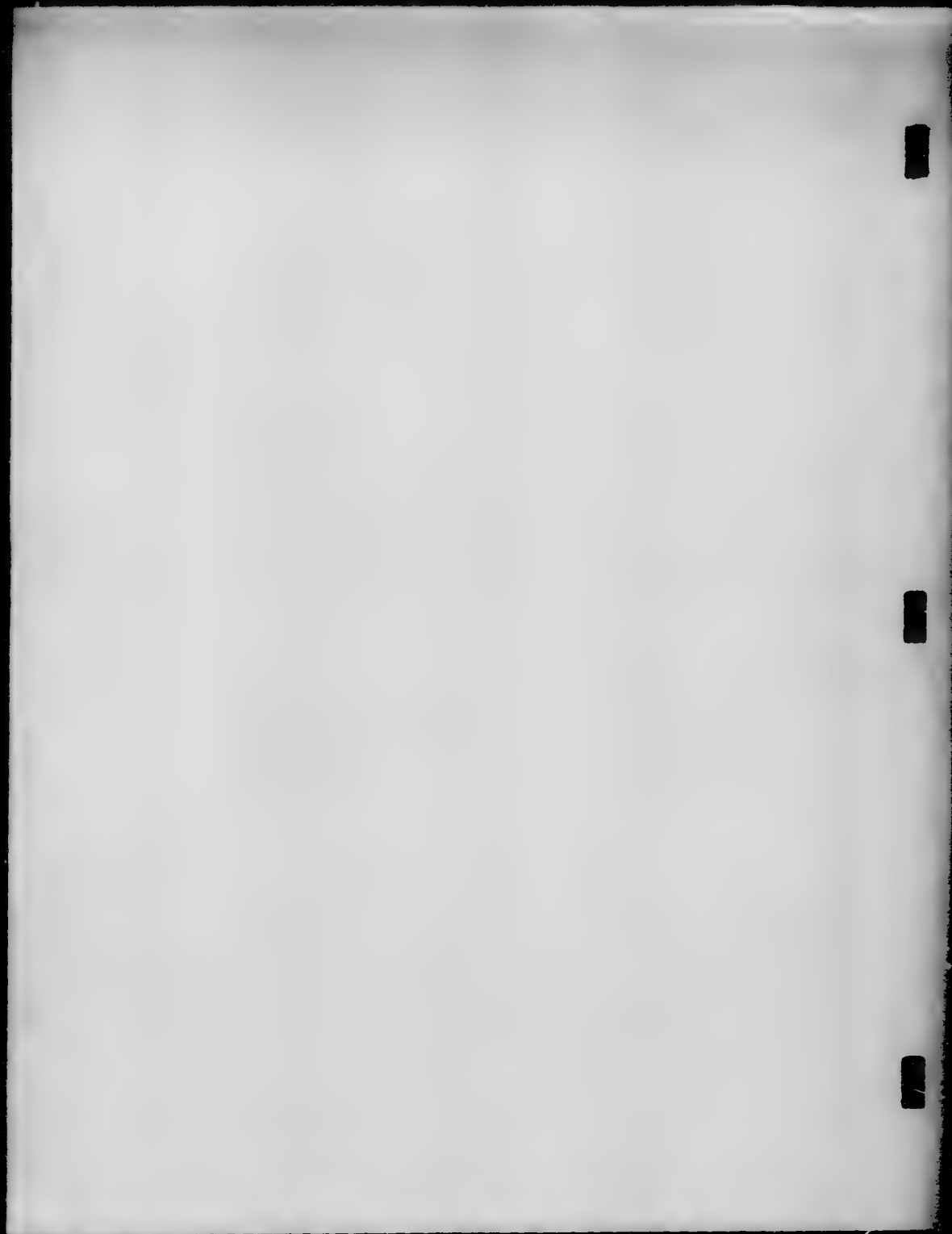
<u>Regency Park</u> - hearing scheduled for annexation of this property off Patton Avenue, 238	
pg. 352 hearing ~~XXXXXX~~ , page 335 2nd reading, page ; 3rd reading, page	
adoption of plan discussed and action taken on plan, page 286--Rescheduled pg. 304.	
<u>Renewal Project</u> - Sale of Disposal Parcels 1, 199, 200, and 201 in the East	pg. 343 238
Riverside Renewal Project.	
<u>Right-of-Way Ordinance</u> - copies of proposed ordinance passed out to Council	242
Ordinance No.1144 - Three readings, page 320.	
<u>Retirement Benefits</u> - Vice-Mayor Horton requested work session on adjustment	247
to the retirement benefits for retired general employees.	
<u>Revitalization Project Fund</u> - budget amendment of Revitalization Project fund for	257
water and sewer improvements in conjunction with Akzona Project.	
<u>Retirement Plan</u> - Training Sessions for general employees relative to State	258
Retirement Plan.	
<u>Reynolds Place</u> - Councilman Rainey reported deal squirrel on this street	273
<u>Retirement System</u> - Two resolution enlisting members of the Asheville General	278
Employees Retirement Plan and unenrolled employees of the City of Asheville	
in the North Carolina Local Government Employees Retirement System.	
<u>Retirement Plan</u> - ordinance increasing benefit payments to employees of the	279
City of Asheville who retired prior to October 1, 1979.	
<u>Revitalization Commission</u> - requested to do study on the effects rural shopping	189
centers will have on the downtown revitalization - particularly the proposed	
S. Bear Creek Road shopping center.	
<u>William C. Reid, Sr.</u> - resolution #79-241 renaming Livingston Street Recreation	293
Center to William C. Reid Memorial Recreation Center.	
<u>Ruckman Brothers Co.</u> - Resolution No.29-245 adopted; for contract with Buckman	302
Brothers Co. for the project: W. Asheville Street & Drainage Improvements.	
<u>Retirement System</u> - letter report from Sam Graves relative to the election	303
to participate in the N.C. Local Governmental Employee's Retirement System.	
<u>Rainey, Gene E.</u> - resolution of appreciation for services as Councilman	332
<u>Rosscraggon-Appian Way Project</u> - easement with Thomas D. and Jane L. Heath	368
concerning the construction of a water line.	
<u>Refuse (Disposing of)</u> - amendment to code for disposing of liquor containers	376
<u>Redmon, Grover</u> - easement concerning the construction of an 8-inch fire line known	377
as Keebler Road Project.	

<u>Street Paving</u> - Budget Amendment to allow for street paving from sinking fund monies.	109
<u>Southern Railway Company</u> - right-of-way agreement for sewer pipe line for Forestdale Project.	111
<u>Street Department</u> - Bids awarded on five (5) dump trucks	112
<u>Sewer Charges</u> - News Release relative to water rates vs. sewer rates	115
<u>Sanitation Code</u> - Rubbermaid Corp. requested that code be changed relative to specifications of capacity of rollout containers.	116
<u>Sinking Fund Commission</u> - resolution of appreciation	117
<u>Sanitation Code</u> - amending Ordinance to change capacity requirements of containers- 1st reading, page 123; 2nd reading, page 123; 3rd reading, page 123.	
<u>Subdivision</u> - Approval of Pinedale Subdivision	123
<u>Sewer Line</u> - Approval of funding for Pinedale Sewer Line	124
<u>Street Paving</u> - Budget amendment - funding for Street Paving	124
<u>Street</u> - Naming of Old Asheland Avenue	126
<u>Sherlin, Mrs. George</u> - claim against City	128
<u>Sewer Line</u> - Contract with W & W Contractors, Inc. for the project known as Westover-Pearson Drive 8-inch sewer line	128
<u>Sign Permits</u> - approval for Neagle Sign Company -Riverside Drive, S. Tunnel Rd. U. S. 74, I-240, I-240 and Tunnel Road at Chunns Cove Road	135
<u>Sign Permit</u> - approved for Lee Towerty at 34 Orchard Street	135
<u>Sign Permit</u> - approved for Telco Credit Union at 7 Orchard Street	136
<u>Simmons, Mr. L. B.</u> - appointed member of Board of Motion Picture Examiners	137
<u>Sylvan Avenue</u> - petition requesting signs and speed breakers	139
<u>Smoky Mountain Region of Porsche Club of America</u> - agreement concerning autocross at Airport	145
<u>Southeast</u> - right-of-way agreement with Southeast Associates re: water line	147
<u>Sign Permits</u> - Approval of Two sign permits postponed-766 Patton Ave. and Tunnel Road	150

<u>School District Lines</u> - request for report relative to city school lines coinciding with city limits	5, 10
<u>Sanitation Code</u> - revision of code- hearing scheduled, page 10, hearing and 1st reading, page 19; 2nd reading, page 53/tabled 3rd reading, page ; New Ord. intro. - 1st reading, page 67; 2nd reading, page 81; 3rd reading, page 81.	10
<u>Sub-division reviews</u> - public hearing scheduled - amending zoning ordinance - adjustment of filing fees - 1st reading, page 88; 2nd reading, page 102; 3rd reading, page ;	
<u>Stereo-Corral</u> - approval of bid for recording equipment - Hillcrest Community Center	23
<u>Sanitation</u> - proposals by private garbage collection firms	54
<u>Senior Citizens</u> - discussion - use of van for transportation	55
<u>Sinking Fund</u> - management of by independent depository	61
<u>Sweeten Creek Road</u> - Resolution re: support of an interchange at Interstate 40	71
<u>Street Department</u> - Consideration given to bids received May 25, 1979 for one 10-yard vacuum type street sweeper	71
<u>Smith, Lee</u> - complained about street conditions on South French Broad Avenue.	84
<u>Sondley, Dr. J. A. (late)</u> - Michael Blankenship presented petition to organize the manuscript of the late Dr. J. A. Sondley.	84
<u>Sign permits</u> - action was deferred until July 5, 1979	92
<u>Summey Sign Company</u> - approval of sign permits was deferred until July 5, 1979	92
<u>School zone markings</u> - resolution re: NC Dept of Trans will obtain Federal aid funds necessary to install the street school markings	93
<u>Streets</u> - Madison within Riverside Park - resolution to close portion	93
<u>Summey Sign Company</u> - approval of sign permit for Summey Sign Company for sign at 995 Riverside Drive.	97
<u>Sign permit</u> - approved for Summey Sign Company for sign at 995 Riverside Dr.	97
<u>Sanco Corporation</u> - lease agreement with this company for rollout container lift mechanisms for eleven City of Asheville Sanitation Trucks.	105
<u>Sanitation</u> - Lease agreement with Sanco Corp. for rollout container lift mechanisms.	105
<u>SuperPole Ordinance</u> - Councilman Rainey requested that Council reconsider	105

<u>Sandon Circle</u> - resolution accepting Sandon Circle as a City System Street	238
<u>Street Department</u> - resolution accepting Sandon Circle as a City System Street	238
<u>Street Department</u> - Bids awarded for snow and ice control for the City of Asheville Street Department.	240
<u>State Water Bond Funds</u> - application made for funds for Pine Street Water and Sewer Improvements.	244
<u>Street Conditions</u> - petition received from residents of Marlowe Drive and Donna Drive relative to street conditions. - report relative to this, page 281	246
<u>South Forest Shopping Center</u> - rezoning of property on Hendersonville Road, property owned by South Forest Shopping Center, hearing scheduled, page 255; hearing and 1st reading, page 309; 2nd reading, page 316; 3rd reading, page .	
<u>South Forest Shopping Center</u> - approval of group development plan expansion - hearing scheduled, page 256, hearing and approval, page 310.	
<u>State Retirement Plan</u> - Training sessions for general employees planned.	258
<u>Sign Permit</u> - requested approval of sign permit for 400 Hendersonville Road by Neagle Sign Company - approval defeated.	269
<u>Shiloh Center</u> - budget amendment approved for equipment	270
<u>Shiloh Center</u> - bids accepted for 150 stacking chairs	271
<u>Street Division</u> - bids accepted for one (1) 2-ton vibratory roller for the Street Department.	289
<u>Shopping Centers</u> - Asheville Revitalization Commission requested to do study on the effects rural shopping centers will have on the downtown revitalization- particularly the proposed shopping center for S. Bear Creek Road.	289
<u>Sherman, Mr. C. M.</u> - claim against the city	289
<u>Sewer Line</u> - contract awarded to Hobson Construction Company for the project known as Haywood Road 6-inch and 8-inch sewer line.	290
<u>Sign Permit</u> - approved for Neagele Sign Co. at 400 Hendersonville Road.	293
<u>Sign Permit</u> - approved for Neagele Sign Co. at Fairview Road.	294
<u>Sanitation Division</u> - bid approved for one (1) tractor loader for Sanitation Div.-- Arden Equipment Co.	302
<u>Street Division</u> - bid approved for Low Profile Single Vacuum Street Sweeper for Street Division -- N.C. Equipment Co.	302
<u>Sanitation Equipment</u> - letter report from the Sanitation Super. relative to leaf vacuums.	303

<u>Safety-to-Life Requirements</u> -	budget amendment for appropriations for	159
<u>Safety-to-Life Requirments</u> -	bids approved for	160
<u>Southern Railway System</u> -	letter from relative to Biltmore Railway Station	161
<u>Sign Permits</u> -	Approval of sign permits for Neagle Sign Company at 766 Patton Avenue and on Tunnel Road.	164
<u>Snow Plows</u> -	approved bids for two (2) for Street Division	165
<u>Structures</u> -	Councilman Rainey requested work session on ordinance relative to structures on rights-of-way.	166
<u>Sewer Line</u> -	budget amendment for improvements on West Asheville Community Development Area	166
<u>Sewer Line</u> -	contract awarded to W & W Contracting Company for "K-Mart to Dreamland 20-inch sewer line."	171
<u>Skyland Janitorial Service</u> -	awarded contract for annual custodial services in the terminal building at the Airport.	201
<u>Sandon Circle</u> -	petition from residents of this street for street maintenance	203
<u>Stevens Hill Road</u> -	report from J. E. Johnson, Building Inspector on this complaint	204
<u>Shiloh Recreation Center</u> -	authorization for change order for this project	209
<u>Sanitation Division</u> -	bids for two (2) 1980 1/2 tone pickup trucks	214
<u>Sweeten Creek Road</u> -	rezoning of property on this road for Mr. Herman Wyatt hearing scheduled, page 214; hearing and 1st reading, page 253 ; 2nd reading, page 259 ; 3rd reading, page 259 .	
<u>Streets</u> -	hearing scheduled on closing of Old Howland Road, page 219, hearing 254.	
<u>Shiloh Street and Drainage Project</u> -	Budget amendment relative to this	227
<u>"Superpole Ordinance"</u> -	hearing scheduled relative to adoption of, page 229- hearing and 1st reading, page 320; 2nd reading, page 320 ; 3rd reading, page 320. hearing continued- 267. Hearing continued page 297.	
<u>South Forest Shopping Center</u> -	rezoning of property on Hendersonville Road, property owned by South Forest Shopping Center, hearing scheduled, page 255; hearing and 1st reading, page 309; 2nd reading, page 316; 3rd reading, page .	



<u>Salvation Army</u> - request for installing sidewalk at their office on Haywood St.	304
<u>Sinking Fund Commission</u> - accepting information regarding the dissolution of the Sinking Fund Commission.	312
<u>Standard Paving Patch</u> - contract with Banks Brothers Construction Co. for the project known as Standard Paving Patch	324
<u>Shiloh/Brooklyn Road</u> - contract with Paving Enterprises, Inc.	324
<u>Sanitation Division</u> - bids for solid waste collection system	325
<u>Staffon, Ms. Myrtle Bell</u> - claim against the city	330
<u>Sign Permit</u> - Approval of sign permit - Civic Center Motel - Federal Sign Company discussion, page 337, 345, 355	337 345
<u>Stephens Hill Road</u> - 12 Stephens Hill Road -declared sanitary nuisance	343
<u>Sign Permit</u> - approval of sign permit for J. M. Sign Company for 29 Montford Avenue	354
<u>Sprinkle, Sadie</u> - complaints presented - 330 Barnard Avenue	362
<u>Street Dept.</u> - contract with Froehling and Robertson for testing services	368
<u>Swearngan, Bill</u> -appointed to Buncombe County Energy Committee.	377
<u>Sanitation</u> - authorizing sale of Trashmaster to Buncombe County	382
<u>Six Associates</u> - authorized to prepare plans and specifications for enlargement of baggage/claim area of Asheville Regional Airport.	383
<u>Street Division</u> - commendation by Mayor for street cleaning during snow and ice	394
<u>Street</u> - closing of alley owned by St. Joseph's Hospital off Biltmore Avenue	392
<u>St. Josephs Hospital</u> - closing of alley adjoining their property off Biltmore Ave.	392
<u>Street Dept.</u> - bids approved for two vacuum collection and mulching of leaves trucks.	393
<u>Stephens-Lee Recreation Center</u> - enrichment grant for this center	389
<u>Sanitation</u> - disposition of surplus equipment - Rearloader Body and Frontloader	398

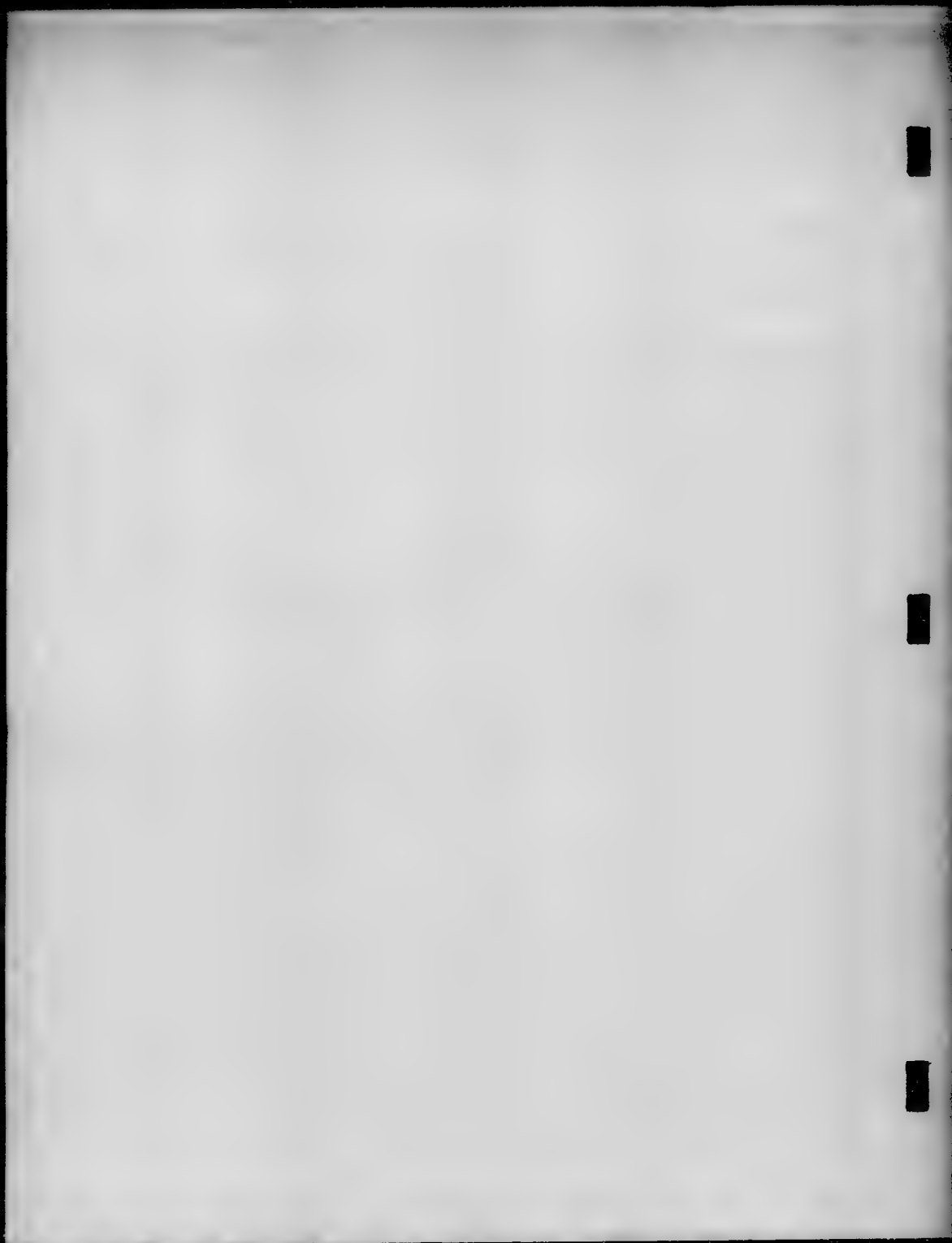
<u>Transportation -</u>	establishing committee to examine coordination and regulations of services and fares.	166
<u>Traffic Engineering Maintenance Building -</u>	authorization for demolition of building on Valley Street.	167
<u>Trust, Peterson -</u>	claim against the city	173
<u>Tax Inequities -</u>	committee established to examine	204
<u>Transit Authority -</u>	Councilman Rainey requested report on Asheville Transit Authority Bus Service Changes.	240
<u>Talbert, Cox and Associates, Inc. -</u>	amendment no. 4 to the contract for engineering services with Talbert, Cox and Associates, Inc.	244
<u>Training Activities and Sessions of City Employees -</u>	Vice-Mayor Horton requested report relative to this.	247
<u>Thoms Cablevision -</u>	request for increase in rates - hearing scheduled, page 257; hearing and 1st reading, page 340 ; 2nd reading, page 353; 3rd reading, page 353 .	271
<u>Transportation, U. S. Dept. -</u>	filling of assurances with U. S. Dept. of Transportation concerning nondiscrimination on the basis of handicap.	281
<u>Transportation, U. S. Dept. -</u>	grant for technical studies for the transit operation	
<u>Tunnel Road -</u>	hearing scheduled on the approval of group development site plan for Asheville Terrace Apartments on Tunnel Road; page 313. Hearing & approval, page	
<u>Transit Authority, Asheville -</u>	bids for bus stop signs; approved.	325
<u>Transportation Grant-</u>	contract with N.C. DOT to support Project 80-P-01	346
<u>Transportation Services -</u>	agreement with Buncombe County Council on Aging for transportation services for the elderly	347
<u>Traffic Engineering Sign Shop -</u>	budget amendment for an emergency replacement of the boiler at the Sign Shop.	347
<u>Thigpen, Luther B. -</u>	resolution of appreciation	356
<u>Taylor, Margaret Jean -</u>	claim against the city	357
<u>Tallent, Mr. E. Cecil -</u>	reappointed to Board of Directors for Firemen's Relief Fund	383
<u>Trantham (Pinner), Fannie M. -</u>	appeal of Board of Trustees of Policemen's Pension and Disability Fund.	384 388

<u>Tax, Special School District</u> - request for information concerning this	10
<u>Taylor, Don</u> - Christian Action League - drug problems - rock concerts discussion.	11
<u>Transit Authority</u> - deficit discussed	11
<u>Training Course</u> - recognition of city employees completing "Principles of Supervision"	18
<u>Trammell, Richard D.</u> - claim against the city	62
<u>Thompson, Ms. Carolyn</u> - appointed a member of the Asheville Area Civic Center Commission	72
<u>Talbert, Cox and Associates, Inc.</u> - resolution re: strengthening of Runway at Airport	94
<u>Thomas, Johnny Fred, and Mae English Thomas</u> - claim against the City	114
<u>Towery, Lee</u> - Sign Permit approved for this person for 34 Orchard Street	135
<u>Telco Credit Union</u> -approval of sign permit for this company at 7 Orchard Street	136
<u>Tennant, Mrs. Pauline</u> - reappointed member of Planning and Zoning Commission	138
<u>Tate, Mr. Cleatus B.</u> - reappointed member of Planning and Zoning Commission	138
<u>Turnberry</u> - right-of-way encroachment agreement for water lines	139
<u>Tennis Courts</u> - annual permits at Aston Park	143
<u>Tunnel Road</u> - approval of sign permit for Neagle Sign Company (Postponed)	150
<u>Tree Commission-</u> ordinance amended to expand membership	150
<u>Tree Commission</u> - Mr. David Warren, Mrs. Elrita Nesby, reappointed Ms. Susan Mayer and Mr. Anthony Lord appointed.	151
<u>Tennis Week</u> - Proclamation - August 12 - 19, 1979	161
<u>Tunnel Road - Road</u> approval of sign permit for Neagle Sign Company on Tunnel	164
<u>Talbert, Mr. Harold</u> - appointed as member of Board of Adjustment	165
<u>Transportation</u> - committee established to examine coordination and regulation of 166	

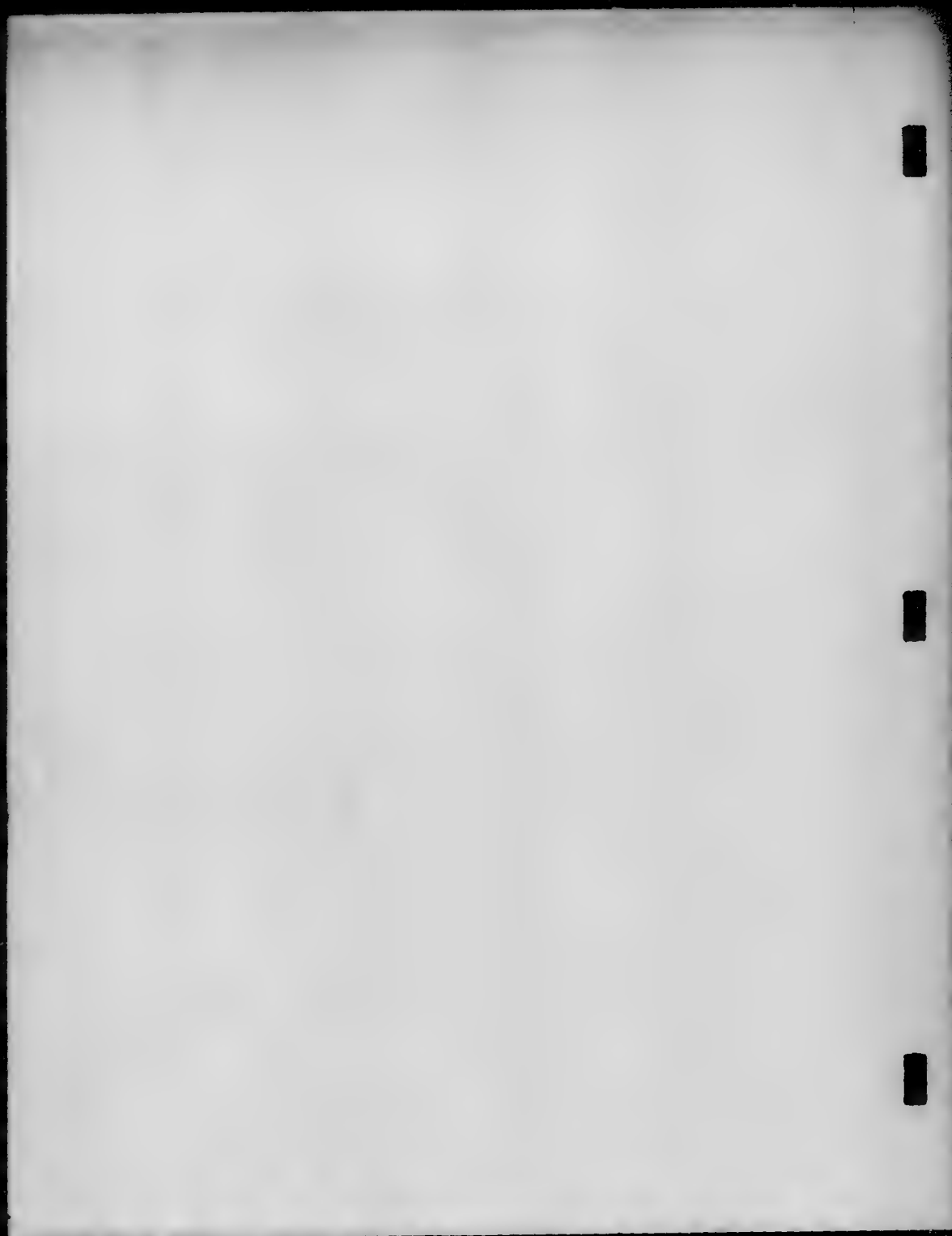
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Traffic Signal Controls - bids approved for two solid state Traffic Signal Controls 390

Town Mountain Road - Use and Occupancy agreement with N. C. Dept. of Transportation 398
for relocation of Town Mountain Road.



<u>United Air Lines</u> -	agreement terminating lease agreement at Airport	111
-	agreement terminating Tank Farm Lease at Airport	144
<u>UDAG Project</u> -	final agreement approved	221
<u>U. S. Dept. of Transportation</u> -	filing of assurance concerning nondiscrimination	271
	on the basis of handicap for federal grants.	
<u>United Nations Week and United Nations Day</u> -	Proclamation for week of	273
	October 21 - 28 and October 24, 1979	
<u>Unicef Day</u> -	Proclamation for October 31, 1979	273
<u>U. S. Dept. of Transportation</u> -	grant for technical studies grant for transit	281
	system.	
<u>Urban Development Action Grant</u> -	appropriation of funds from HUD for this	367
	project.	
<u>Uniform (Rental Service)</u> -	bids for contract awarded to National Linen and Uniform	368
	Service for rental uniforms for various departments/divisions.	



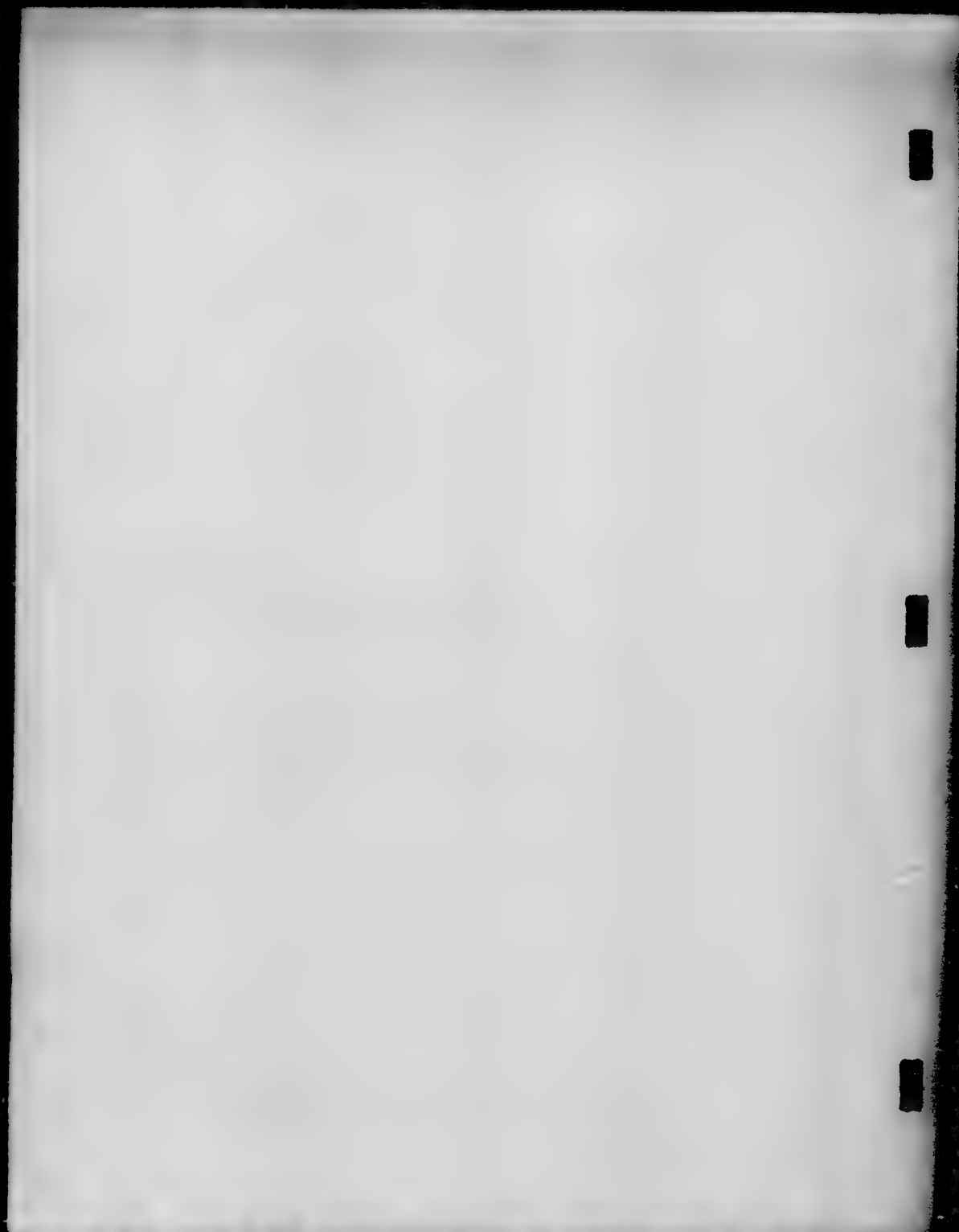
<u>Vlahos, Ms. Mary -</u>	Claim against the City	15
<u>Vietnam Veterans Week -</u>	proclamation - May 28, 1979	54
<u>Vietnam Veterans -</u>	Resolution honoring five City residents as receptients of presidential certificate	63
<u>Volunteer Recognition Day -</u>	proclamation	63
<u>Victoria Health Care Center -</u>	resolution No. 79-242 adopted -proposed plan of financing the cost for a nursing home to be called Victoria Health Care Center - developer Brookwood Investments, Ltd.	300
<u>Victoria of Asheville -</u>	Resolution 79-261 appointments to Baord of Directors adopted.	325
<u>Volunteer (Year) -</u>	Proclamation - 1980 as Year of the Volunteer	393

<u>Water System Improvements Project</u> - contract with Department of Human Resources Division of Health Services for FY 78-79 Water System Improvements Project	136
<u>Water</u> - Bids approved for chemicals for treatment of water for 1979-80	136
<u>Water and Sewer Department</u> - bids approved for water main fittings	137
<u>Wolcott, III William F.</u> - appointed to Historic Resources Commission	138
<u>Water lines</u> - right-of-way encroachment agreement with NCDOT in Glen Meadows	139
- right-of-way encroachment agreement with NCDOT in Muirfield	139
- right-of-way encroachment agreement with NCDOT in Turnberry	139
- right-of-way agreement with Southeast Associates of Asheville	147
<u>Warren, Mr. David</u> - appointed member of Asheville Tree Commission	151
<u>Western North Carolina Development Assn.</u> - agreement with (for funding)	152
<u>Western North Carolina Regional Air Pollution Control Agency</u> - agreement with (for funding)	152
<u>Water Line</u> - R/W easement from Charles C. and Marguerite Cole for water line across their property in Pinedale Subdivision.	159
<u>Watts, Mr. Herb</u> - appointed as a member of Asheville-Buncombe County Youth Council.	165
<u>Water Maintenance Facility Improvement Project</u> - budget amendment to provide funding for	166
<u>Water Fountains</u> - Vice-Mayor Horton - comments relative to removal of	167
<u>W & W Contracting Company</u> - awarded contract for K-Mart to Dreamland 20-inch sewer line.	171
<u>Women's Equality Day</u> - Proclamation - August 26, 1979	173
<u>Water and Sewer Services</u> - designation of the Director of Water and Sewer Services as the issuer of permits for use of Water from Fire Hydrants and to provide and additional penalty for violation.	180
<u>Water and Sewer Department</u> - Agreement by Patton, Hunter and Company for procedural and reporting system for the Water and Sewer Department	182
<u>Water Problems</u> - petition from residents of Cisco Road	216
discussion relative thereto- page 229	
<u>Water Site</u> - agreement with Land-of-Sky Regional Council relative to future water site	219

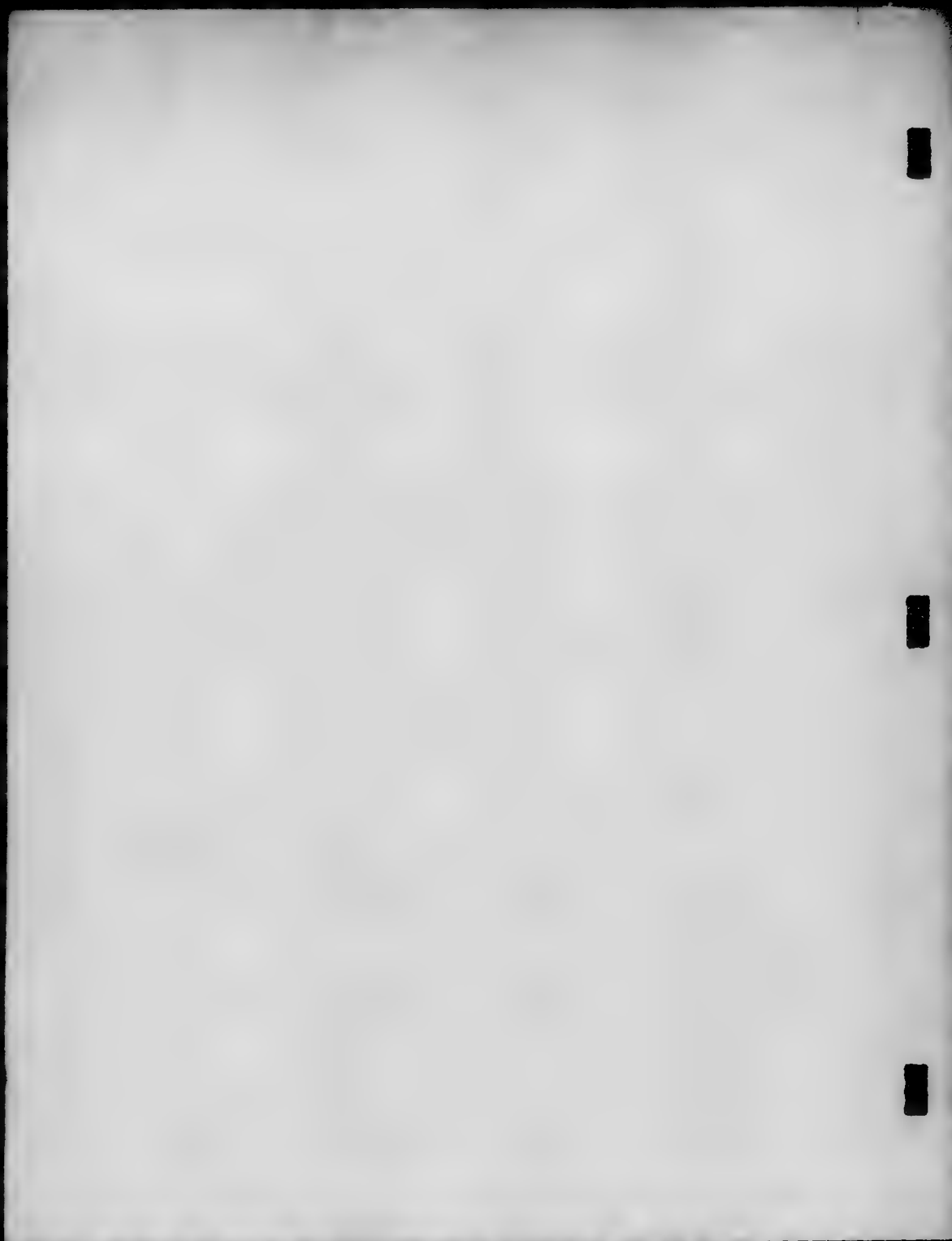
<u>W.N.C. Baptist Homes, Inc.</u> - annexation of their property in Richmond Hills hearing and 1st and 2nd reading, page 7; 3rd reading, page 18 ;	7
<u>Woods, Ms. Betty</u> - rezoning of her property on Merrimon Avenue, hearing and 1st reading, page 9; 2nd reading, page 19 ; 3rd reading, page ;	9
<u>Water Department</u> - Bids for one (1) truck for Water Department Leak Detection Service	10
<u>Wombolt Avenue</u> - petition received from residents relative to drainage problem	14
<u>Warren, Mrs. Gladys B.</u> - claim against the City	15
<u>Whitmire Monument Company-</u> claim against the City	15
<u>WNC Baptist Homes</u> - scheduling of public hearing relative to zoning property in Richmond Hills to R-3; hearing & 1st reading, page 88; 2nd reading, page, 101 ; 3rd reading, page 108 ;	23
<u>Water Meters</u> - approval of bids received May 14, 1979	23
<u>Wyoming Road Project</u> - approval of Asheville Housing Authority action on condemnation and acquisition proceedings for Wyoming Road parcels.	83
<u>Water Rates</u> - Increase of rates - hearing scheduled, page 84; hearing and 1st reading, page 89 ; 2nd reading, page 103; 3rd reading, page	
<u>Whitmire, Ms. Reather</u> - Claim against the City	95
<u>Water and Sewer Improvements Fund Budget-</u> amended for rehabilitation of Patton Patton Reservoir.	109
<u>Wheeler Airline, Inc.</u> - agreement executed with respect to terminal space rental and landing fees.	112
<u>Whiteside, Ms. Johnnie</u> - claim against the City	114
<u>Water Rates</u> - News Release relative to water rates vs. sewer rates	115
<u>Water Fund Capital Improvements</u> - Budget amendment for funds from Sinking Fund	124
<u>Water Main</u> - N. C. Dept. of Transportation r/w agreement for Airport Plaza	127
<u>Water Line</u> - contract with Hobson Construction Company for Rosscraggon-Appian Way 8-inch water line.	127
<u>W & W Contracting Company</u> - contract awarded for Westover-Pearson Drive 8-inch sewer line.	128
<u>Westover-Pearson Drive</u> - contract awarded to W & W Contracting Company for 8-inch sewer line	128
<u>Water line-</u> Audits received for Charlotte Highway Water Line Project	128

<u>Wolcott, William F., Jr.</u> - appointed to Asheville Regional Airport Authority	355
<u>Water Lines</u> - acceptance of conveyance of certain water lines located in Avery's Creek Sanitary District.	366
<u>Water Department</u> - authorizing the Director of Finance to sell scrap materials from the Water Maintenance and Construction Division.	367
<u>Water Line</u> - easement with Thomas D. and Jane L. Heath concerning the construction of a water line known as the Rosscraggon-Appian Way Project	368
<u>Water Line</u> - easement with the N. C. Dept. of Agriculture concerning construction, operating and maintaining a water line.	368
<u>Wrestling and Boxing Commission</u> - presented check for tax on gross receipts	371
<u>Water Department</u> - bids for repair materials for inventory for this department	377
<u>Wilkes, H. C. Councilman</u> - appointed to Buncombe County Energy Committee	377
<u>Western North Carolina Regional Air Pollution Board</u> - reappointment of Dr. Roy F. Roberts.	383
<u>Worker's Compensation Coverage Insurance</u> - authorizing contract for	384
<u>Worker's Compensation Insurance Coverage</u> - budget amendment relative to	384
<u>Wilson Personnel</u> - claim against the city	384
<u>Water Meter Services Division</u> - bids approved for one (1) one-ton truck	391
<u>Water Meter Services Division</u> - bids approved for two (2) four-wheel drive vehicles and eight (8) one-half ton trucks.	391
<u>Word Processing System</u> - budget amendment for the installation and first three months rent.	391
<u>Water Billing Division</u> - Bids accepted for one four-door sedan	398

<u>Warren Paving Company</u> - awarded contract for paving of 1,500' runway and taxiway extension and strengthening existing runway 16-34	226
<u>Walker and Whitesides, Inc.</u> - awarded contract for lighting of 1,500' runway and taxiway extension and strengthening existing runway 16-34	225
<u>WNC Parking Lot Services, Inc.</u> - awarded contract to clean parking garage	231
<u>Westgate Property</u> - discussion relative to meeting with principle re: sale of property.	229
<u>Wilson, Mr.</u> - claim against the City	241
<u>Water and Sewer Department</u> - Budget Amendment for reappropriation of funds for completion of the Patton Mountain Reservoir Rehabilitation.	242
<u>Westgate Shopping Center</u> - easement executed in favor of Carolina Power and Light Company for property adjacent to Westgate Shopping Center.	244
<u>Water Bond Funds</u> - application made for funds for Pine Street Water and Sewer Improvements.	244
<u>Water and Sewer Improvements</u> - budget amendment for Revitalization Project Fund for water and sewer improvements in conjunction with Akzona Project.	257
<u>White Cane Day</u> - Proclamation for October 15, 1979	258
<u>Water Line</u> - R/W agreement with N. C. DOT re; water line on Long Shoals Road (U. S. 25)	270
<u>Winkle, Bob</u> - appointment to Certificate of Occupancy Committee	281
<u>Water And Sewer Budget</u> - ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance in effect as of July 1, 1979 (revision of certain appropriations)	288
<u>Water Bond Grant</u> - Resolution No. 79-243 approved; for Pine Street Improvements & Resolution No. 79-244 for education program on water conservation; approved.	301 302
<u>West Asheville Street & Drainage Improvements</u> - Resolution No. 29-245 adopted, for contract with Buckman Brothers Co. for the project.	302
<u>Williams, James R.</u> - claim against the city	303
<u>Water Maintenance Division</u> - bids for two (2) Loader Backhoes--Farm Equipment Co.	313
<u>Watts, Kathy</u> - resolution appointing same to Asheville-Buncombe County Youth Council.	323
<u>Water Depts</u> - agreement with Black Mountain to acquire 6-inch water meter in exchange for certain water depts. Resolution adopted.	324



"X"



<u>Youth-In-City Government Day</u> - proclamation - May 17, 1979	17
<u>Young, Mr. Joe E.</u> - Claim against the City	74
<u>Youth Council</u> - murals in council chambers restored	85
<u>Youth Council</u> - grant from N. C. Youth Advisory Council for the Western N.C. Nature Center Project of the Asheville-Buncombe County Youth Council	201
<u>Youth Appreciation Week</u> - Proclamation for week of November 4-10, 1979	290
<u>Youth Council</u> - resolution appointing members to same.	323
<u>Yarborough, Dr. V.E.</u> - resolution appointing same to Youth Council.	323
<u>Young, Lee Roger, Jr.</u> - claim against the city	357
<u>Youth Council</u> - mini-grant from N. C. Youth Advisory Council for the Convention II Project of the Asheville Buncombe County Youth Council	391

Zoning - amending the Zoning Ordinance to include "Family Care Homes" and 215
"Group Homes for Developmentally Disabled Adults" -
hearing scheduled, page 215; hearing 308; "FCH"-hearing and 1st, page 336
2nd reading, page , 3rd reading, page .
Hearing continued; page 267.

*** By unanimous vote Council moved to separate these 2 issues; see "FCH" separately. 307

Zoning - amending the Zoning Ordinance relative to parks and playgrounds, hearing
scheduled, page 246; hearing and 1st reading, page 278 ; 2nd reading, page ;
3rd reading, page . (tabled)

Zoning - rezoning property in the Beaverdam Valley area - hearing scheduled, page 255;
hearing and 1st reading, page 294; 2nd reading, page ; 3rd reading, page .
(tabled) (Moratorium hearing scheduled 320)-hearing, pg. 374, 380

Zoning - rezoning property on Hendersonville Road, property of South Forest Shopping
Center; hearing scheduled, page 255; hearing and 1st reading, page 309;
2nd reading, page 316; 3rd reading, page .

Zoning - amending Zoning Ordinance dealing with initiation of amendments; hearing
scheduled, page 256; hearing and 1st reading, page 298; 2nd reading, page 311;
3rd reading, page 315.

Zoning - amending Zoning Ordinance relative to group development sections, hearing
scheduled, page 256; hearing and 1st reading, page 299; 2nd reading, page 311 ;
3rd reading, page 316.

Zoning - Rezoning of B. C. Morton's Property at Haywood Road and Cloyes Street discussed 290
referred back to Planning and Zoning Commission.

Zoning - amending the Zoning Ordinance to include "Family Care Homes", hearing
scheduled, page 308; hearing & 1st reading, page 336; 2nd reading, page 339;
3rd reading, page .

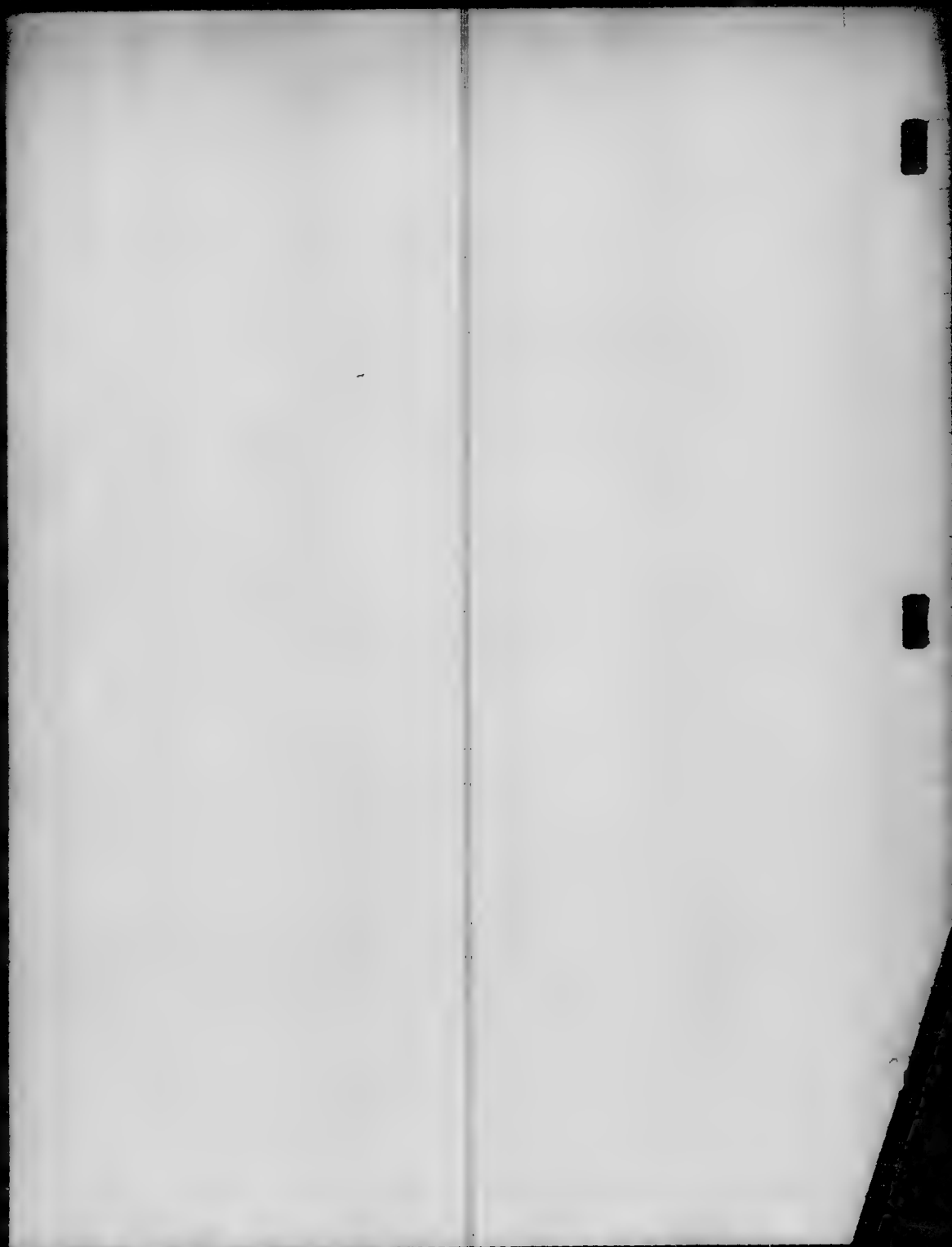
Zoning - hearing for rezoning property on Caledonia Road for Appalachian Hall - hearing
scheduled, page 313; hearing and 1st reading, page 341 ; 2nd reading, page 353 ;
3rd reading, page 353.

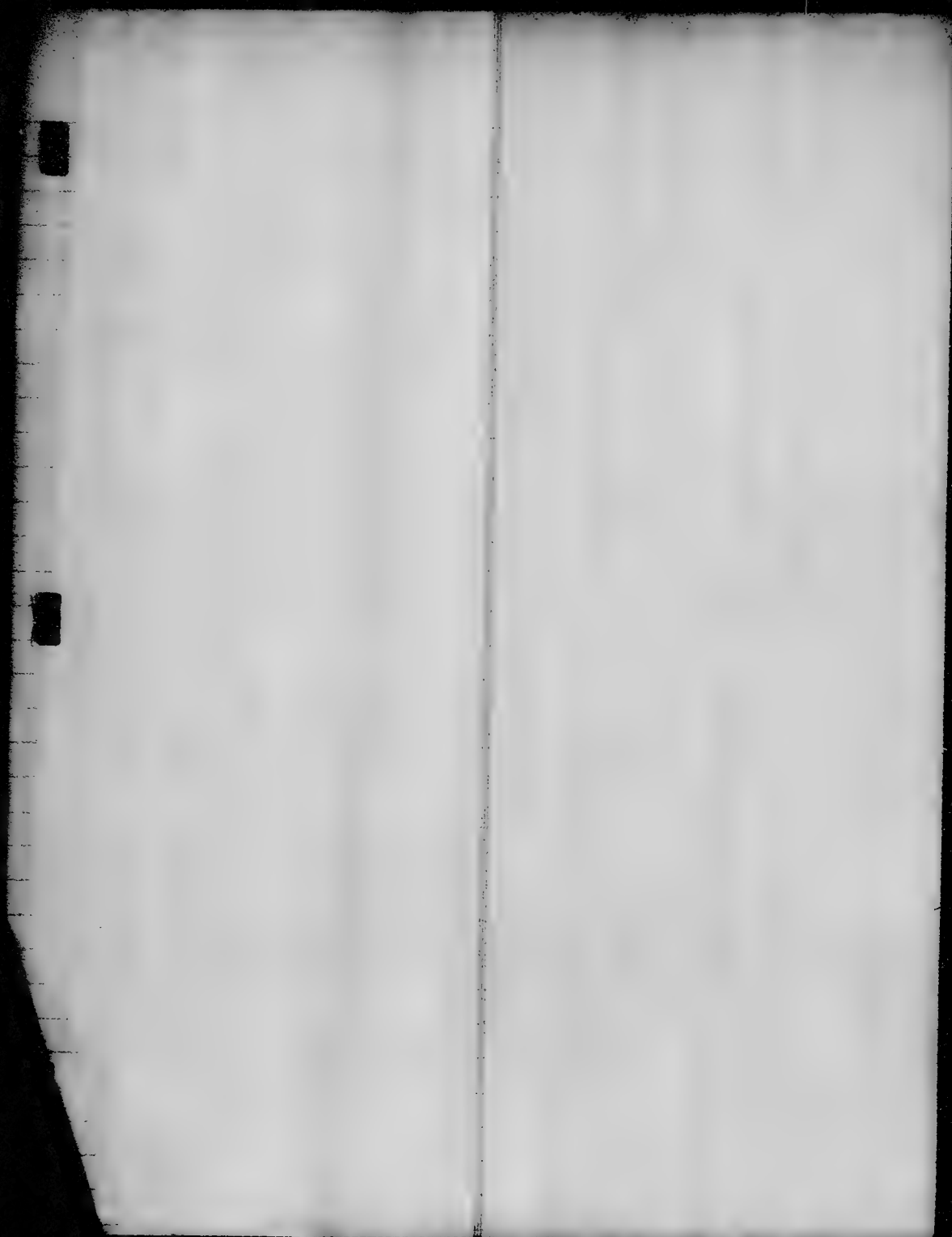
Zageir, Helen B. - letter presented from Helen Zageir; offering to dedicate 19' 326
for right of way, regarding property on S. Lexington Avenue.

Zoning - rezoning of property at the corner of Patton and Pearl Street for Harold 346
Talbert, hearing scheduled, page 346; hearing, page 364 ; 1st reading, page 372 ;
2nd reading, page 379 ; 3rd reading, page (DEFEATED ON 2ND READING)
brought back for reconsideration on 2nd reading, page 392

Zoning - rezoning property at the corner of Haywood Road and Cloyes Street for
B. C. Morton, hearing scheduled, page 367; hearing and 1st reading, page 395 ;
2nd reading, page ; 3rd reading, page .

- Zoning - property on Merrimon Avenue owned by Ms. Betty Woods to be rezoned 9
hearing and 1st reading, page 19 ; 2nd reading, page ; 3rd reading,
page ;
- Zoning - notifying property owners of Board of Adjustments appeal 10
hearings
- Zoning - public hearing scheduled relative to Airport property to LI
1st reading, page ; 2nd reading, page 55 ; 3rd reading,
page 67 ; 20
- Zoning - public hearing scheduled relative to amending Section 30-3-3
dealing with "Non-conforming Uses" - 1st reading, page 87 ;
2nd reading, page 100 ; 3rd reading, page 108 ; 23
- Zoning - adjustment of filing fees for rezonings, group developments,
and subdivision reviews and 1st reading, page 88; 2nd reading,
page 101 ; 3rd reading, page ; 23
- Zoning - property of WNC Baptist Homes in Richmond Hills - hearing and
1st reading, page 88 ; 2nd reading, page 101 ; 3rd reading,
page 108 ; 23
- Zoning - PUBLIC hearing scheduled relative to crematories permit -
hearing and 1st reading, page 55 ; 2nd reading, page 68 ;
3rd reading, page ; postponed on 2nd reading, page 81. 55
** tabled on page 102.
- Zoning - regulation of bars, nightclubs, and private clubs, 1st reading, 81
page, 81; 2nd reading, page 90 ; 3rd reading, page 100.
- Zoning - rezoning property in Chunns Cove; hearing and 1st reading, page 119 ; 94
2nd reading, page 131 ; 3rd reading, page 169 ; (postponed)- 3rd reading, page
(postponed - page 149) 3rd and final reading, page 177
- Zoning - property on New Leicester Highway, owned by Green Hills Cemetery 94
hearing and 1st reading, page 122; 2nd reading, page 132, 3rd reading,
page 141 ;
- Zoning - amendment to Zoning Ordinance to include "Fraternal and
Philanthropic Organizations in the R-3 Residential District as a
Conditional Use, hearing scheduled, page 160; hearing and 1st reading,
page 175 ; 2nd reading, page 205 ; 3rd reading, page 213 .
- Zeugner, Mr. R. H. - appointed as a member of the Asheville-Buncombe County 165
Youth Council
- Zoning - rezoning of property in Beverly Hills- hearing scheduled, page 214;
hearing and 1st reading, page 250 ; 2nd reading, page 260 ; 3rd reading, page 276 .
- Zoning - rezoning of property on Sweeten Creek Road - hearing scheduled,
page 214; hearing and 1st reading, page 253 ; 2nd reading, page 259 ;
3rd reading, page 259 .





Councilman Rainey said his support for the resolution is based on the fact that individuals must change their own litter habits and in his opinion the only way to do this is to make the one enjoying the service pay for the collection of the litter. He said his support is also due to the decreasing aluminum supply in the world. He said people are wasting precious metal that has a valuable need.

Mayor Trantham said the City of Asheville has a serious litter problem and he felt stricter laws and higher penalties for littering are needed.

Jean Webb, Executive Director of Quality Forward, said the Quality Forward Board had heard presentations from both sides of the issue and upon a vote of the board, the majority voted to endorse the proposed legislation of the "bottle bill." She said the vote was 8-5 in support of the bill. She said the proponents of the bill said they felt this would be one step forward toward the litter problem and the opponents said the legislation was discriminatory and did not address the total litter problem.

Dewey Andrews, member of the Quality Forward Board and representative of the Smoky Mountain Distributors said the proposed legislation is an unfair bill and does not address the total problem. He said statistics have shown that bottles and cans only represent 15% of the total litter problem and the proposed legislation deals only with bottles and cans and does not address such items as plastic, paper, and etc. He said if the legislation is approved there will more than likely be a 20% decrease in business in the bottle business which would also mean a tax revenue loss for the federal, state and local governments. He said, for example, the City of Asheville has a possibility of losing \$50,000.00 in tax revenue. He said he was in favor of legislation to deal with the total litter problem.

Mr. Sanders Rowland, president of the Coca-Cola Bottling Company, said he was representing all bottling companies and it was their concern that the proposed legislation is discriminatory. He said they were also concerned about the total litter problem. He said there are other means to deal with the problem that are not addressed in the proposed legislation.

Ben Pace, owner and operator of Country Food Stores, also spoke against the proposed legislation saying it was discriminatory. He said the bill would provide a hardship on such businesses because they would have to comply with regulations of dealing with returnable bottles in a very complicated manner. He said legislature cannot legislate responsibility and he would favor addressing the total problem through strict enforcement of litter laws. He said the driver of an automobile should be the responsible party for littering from his or her car.

JoAnn Swilling, member of the Quality Forward Board, spoke in favor of the proposed "bottle bill," stating that this would be one step forward to regulating litter. She said the Buncombe County Commissioners and the Land of Sky Regional Council have endorsed the "bottle bill" and she urged Council to give their support of the bill.

Mickey Tweed, representative of Stroh's Distributors, also spoke against the "bottle bill" legislation. He said his company, in a two day period, received signatures of over 8,000 people who were against the proposed legislation. He said it was discriminatory by singling out the bottle and beverage industry.

1

Thursday - May 3, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 19, 1979 meeting and the April 26, 1979 meeting.

Upon motion of Councilman Michael, seconded by Councilwoman Price, the minutes of the April 19, 1979 meeting and April 26, 1979 meeting were approved as submitted.

PRESENTATION OF BASIC TRAINING CERTIFICATES - FIRE DEPARTMENT

2. Mayor Trantham and Chief Powell Ball presented the following individuals their Basic Training Certificates :

William A. Davidson
Margaret E. Bryson
John W. Earle
Gary Lee Hensley

Chief Ball said, under the Fire Cadet Program, these individuals satisfactorily completed the basic training course.

RESOLUTION NO. - RESOLUTION SUPPORTING ANTI-LITTERING PROGRAM

3. Consideration was given to a resolution supporting an anti-littering program.

The City Manager read the resolution.

This resolution was prepared at the direction of Councilwoman Price in order to give Council an opportunity to voice their opinion relative to House Bill 857, presently being considered by the General Assembly, relative to regulations for littering with bottles and cans. This bill now before the General Assembly is known as the "Bottle Bill."

Councilwoman Price moved for the adoption of the resolution stating that the resolution does not specifically endorse the proposed "bottle bill." She said the resolution only supports legislation that will address the total litter problem. This motion was seconded by Councilman Rainey.

After discussion of the resolution, Councilman Rainey moved for the adoption of the resolution adding the following paragraphs: 1) That the housing be located in the East End Valley Street area; and 2) That the majority of the housing, except for that provided for the elderly, be single family units; a minority will be duplexes; and 3) That every effort be made to allow their housing units to be purchased by private individuals at a later date. This motion was seconded by Councilman Cole, which motion carried with Councilman Michael voting "no."

Complete text of Resolution No. 79-98 will be found in Resolution Book No. 11 at page 182.

ORDINANCE NO. 1099 - AN ORDINANCE AMENDING THE OPERATING BUDGET AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL 1978-79 (Incorporating budget amendments)

5. Consideration was given to an ordinance amending the operating budget and capital budget for the City of Asheville for Fiscal 1978-79.

The City Manager read the ordinance and explained that the Fiscal 1978-79 budget allows changes by motion of Council which must be summarized and ratified by Ordinance Amendment to formalize said motions. He said this ordinance will ratify motions made to amend the budget though March, 1979.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1099. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1099 passed on first reading. (Councilman Michael was excused from the meeting due to a phone call)

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1099. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1099 passed on second reading. (Councilman Michael was excused from the meeting due to a phone call)

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1099. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1099, passed on third and final reading. (Councilman Michael was excused from the meeting due to a phone call)

Complete text of Ordinance No. 1099 will be found in Ordinance Book No. 8 at page 336.

BUDGET AMENDMENT - HARVEST HOUSE PROJECT

6. Consideration was given to a budget amendment amending the City of Asheville Federal Capital Projects Fund budget for Fiscal Year 1978-79 to set up appropriate revenue and expenditure accounts to accommodate the execution of a contract with the North Carolina Division of Aging for renovation at the Harvest House project.

Councilman Michael said it was his understanding that the General Assembly had delayed action on the proposed bill and he did not see Council's expediency in taking action on the issue. He said he would like the opportunity to study the total problem before any endorsement, to make sure it will not provide a hardship on any particular individual or industry.

Councilman Morris agreed stating that Council should study the total problem before making any recommendations or endorsements. He said he would like for Council to receive input from the bottling industry as to what constructive measures could be taken to control the litter problem.

Mr. Sanders Rowland said the General Assembly should review the current legislation in effect in the State of Washington. He said the "Washington Bill" imposes a tax on businesses which is turned over to municipalities for the cost of cleaning up the litter. He said prisoners are used to pick up the litter on the roadsides for which they are compensated through the tax monies. He said the tax is also used for educational programs dealing with the litter problem. He said an ordinance dealing with littering should be strictly enforced.

Councilman Cole said after listening to comments on both sides, he could not support the resolution. He said he felt it was too weak. He said he felt the General Assembly should also look at other alternatives. He supported the need for stricter penalties and strong enforcement of laws on littering.

Robert Johnson, representing the Pabst Distributors, also spoke in opposition to the proposed "bottle bill."

Paul Greene, member of the Quality Forward Board, said he was one of the members who voted against endorsement of the "bottle bill." He said the proposed legislation does not address the entire problem and the legislature should look at other approaches such as the "Washington Bill."

Mayor Trantham suggested that, since the General Assembly had decided to delay action, that Council also delay action on the endorsement until it is determined what action the General Assembly wants to take.

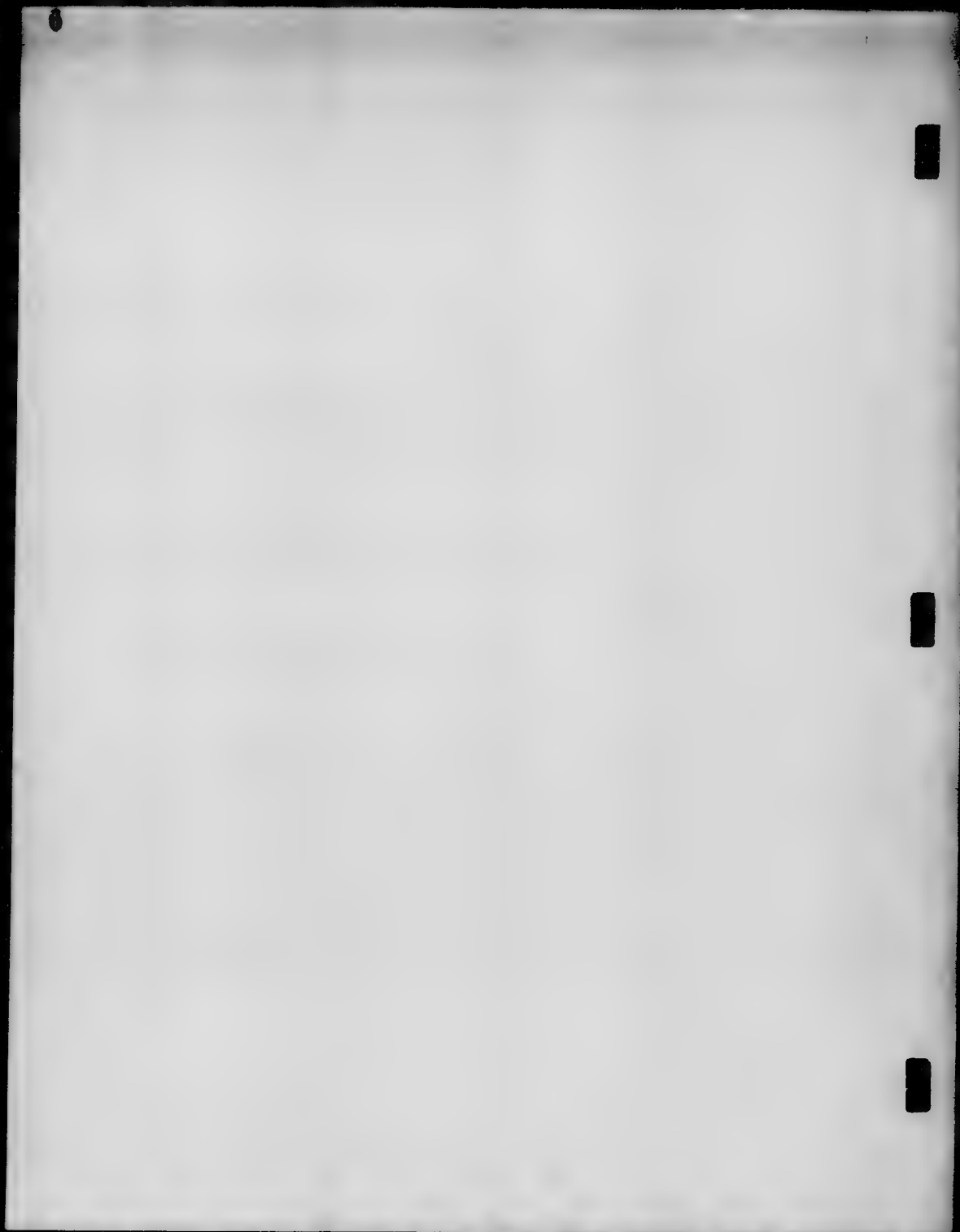
After discussion, Councilman Michael made a substitute motion to table the resolution for two weeks. This motion was seconded by Councilman Cole, which motion carried on a roll call vote of 5-2 with Vice-Mayor Horton and Councilman Rainey voting "no."

Councilman Morris requested that those individuals interested in the issue write up some "constructive input" for Council to consider in making their recommendations to the legislature.

RESOLUTION NO. 79-98 - RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW-RENT PUBLIC HOUSING

4. Consideration was given to a resolution approving application for preliminary loan for low-rent public housing.

The City Manager read the resolution.



Highlights of the budget amendment:

Appropriation:	Harvest House	\$38,667
Revenue:	State Grant- N.C. Division of Aging	\$29,000
	Appropriated Fund Balance- General	
	Revenue Sharing	7,050
	Contributions from other funds -	
	in-kind	2,617
		\$38,667

Councilwoman Price moved for the adoption of the budget amendment as presented. This motion was seconded by Councilman Cole and carried unanimously.

REPORT REQUESTED - CITY SCHOOL DISTRICT LINES

Upon inquiry of Vice-Mayor Horton, the City Attorney said he had not completely finished investigating the possibility of extending the city school district lines to coincide with the City Limits.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop, again complained to Council about the lottery sales in Asheville. He requested that Council get the help of the legislatures, particularly Mr. Herbert L. Hyde who is on the Governor's Crime Commission.

WALKER D. LONG - REDBO LANE

Mr. Walker D. Long, of 8 Redbo Lane requested Council's help in getting Redbo maintained by the City. He said the road needs to be scraped and to have gravel put on the road. He said one family in the area who does not use Redbo Lane refuses to let the City maintain the road. He said the City had maintained the road previously.

Mayor Trantham said he would have the City Manager investigate the complaint.

Adjournment.

Ray M. Trantham Mayor
William J. Mallett Jr CITY CLERK

Verl Enrick, Director of Planning, said the City Council has been petitioned under G. S. 160A-31 to annex property in Richmond Hills owned by the WNC Baptist Homes, Inc. He said the City Clerk has certified the sufficiency of the petition and the last step is the adoption of the ordinance.

Mr. Enrick then read the prepared ordinance annexing the property.

A discussion was held relative to the WNC Baptist Homes, Inc. providing payment-in-lieu of taxes, since their organization would be tax-exempt.

Councilman Michael said it was his understanding that an agreement would be reached relative to the payment-in-lieu of taxes before the ordinance was adopted. He said the ordinance should include a written provision that the Home would pay for the services rendered by the City such as police and fire protection or a resolution drawn binding the Home to pay for these services. He said he could not support the ordinance without some type of agreement.

Council then discussed the legality of binding such an organization to make payment-in-lieu of taxes.

Mr. Benfield, representing the WNC Baptist Homes, Inc. said they would be willing to make a payment-in-lieu of taxes but he did not have an agreement to present.

It was determined that Council could not make the agreement for payment-in-lieu of taxes a provision of the annexation ordinance.

Mayor Trantham closed the public hearing at 3:53 p. m.

Councilwoman Price moved for the adoption of Ordinance No. 1100. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-1, Ordinance No. 1100 passed on first reading, with Councilman Michael voting "no."

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1100. This motion was seconded by Councilman Rainey, which motion carried.

On a roll call vote of 5-1, Ordinance No. 1100 passed on second reading, with Councilman Michael voting "no."

Vice-Mayor Horton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1100. This motion was seconded by Councilman Rainey.

Councilman Morris said he felt some members of Council would feel more comfortable about adopting the ordinance if Mr. Benfield could get a letter of understanding signed by the owner of the WNC Baptist Homes, Inc. stating that their organization would not mind paying reasonable charges for city services rendered. He said Council should have the third reading of the ordinance after Mr. Benfield gets the letter of understanding from the owner of the property.

Thursday - May 10, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, Otis B. Michael and Ralph D. Morris, Jr., Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman F. Jack Cole and Corporation Counsel William C. Moore

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 3, 1979 meeting.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, the minutes of the May 3, 1979 meeting were approved as submitted.

PROCLAMATION - NATIONAL HANDICAPPED AWARENESS WEEK - MAY 13 - 19, 1979

2. Mayor Trantham proclaimed the week of May 13 - 19, 1979 as "Handicapped Awareness Week" in the City of Asheville.

Council recognized several handicapped individuals who were in attendance.

Mr. David Golson, President of the Western North Carolina Association of the Physically Handicapped, asked that Council and City officials observe May 15, 1979 as Handicapped Awareness Day. He requested that, in observance of this day, that Council and City officials perform their normal duties in a wheelchair for three (3) to four (4) hours in order to make the public aware of the handicaps involved in operating from a wheelchair.

RECOGNITION OF CITY EMPLOYEES - DAVID PRUITT AND MIKE EVANS - MUNICIPAL ADMINISTRATION COURSE

3. The City Manager recognized David Pruitt and Mike Evans for completing the course in Municipal Administration at the Institute of Government.

PUBLIC HEARING - ANNEXATION OF WNC BAPTIST HOMES, INC. PROPERTY IN RICHMOND HILLS

ORDINANCE NO. 1100 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

4. A public hearing was held relative to annexing property owned by the Western North Carolina Baptist Homes, Inc.

Mayor Trantham opened the public hearing at 3:20 p. m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

DISCUSSION - NOTIFYING PROPERTY OWNERS OF BOARD OF ADJUSTMENTS APPEAL HEARINGS

Councilman Morris requested that the City Manager instruct the Building Inspection Division to notify adjacent property owners of appeal hearings by the Board of Adjustments.

After discussion, J. E. Johnson, Director of Inspections, was requested to obtain a cost estimate to comply with this request.

PUBLIC HEARING SCHEDULED - REVISION OF SANITATION CODE

6. Consideration was given to a motion scheduling a public hearing relative to revising the Sanitation Code of the City of Asheville for May 17, 1979.

The City Manager said the major revision of the sanitation code would be to allow a charge for container service for dumpster pick-up of \$8.00 after the first free pick-up during a week.

Councilwoman Price moved to schedule a public hearing relative to the revision of the Sanitation Code for May 17, 1979. This motion was seconded by Councilman Morris and carried unanimously.

BIDS - ONE (1) TRUCK - WATER DEPARTMENT - LEAK DETECTION SERVICE

7. Consideration was given to bids received May 1, 1979 for one (1) one-half ton pick-up truck for the Water Department, Leak Detection operation.

The City Manager presented the bids stating that two (2) bids were received and a recommendation was received recommending acceptance of the second low fully responsive bid of Matthews Motors in the amount of \$5,338.00. He said the low bid did not meet bid specifications.

Councilman Morris moved to accept the bid of Matthews Motors, Inc. in the amount of \$5,338.00. This motion was seconded by Councilman Michael and carried unanimously.

DISTRIBUTION OF ABC REVENUES

Vice-Mayor Horton said he had received a statement from Mr. Anderson from the ABC Board which pointed out that mixed beverage revenue is subject to the same distribution as regular ABC revenues. He said the profits are shown on a quarterly audit report. He requested the City Manager to obtain a copy of the quarterly audit report.

SPECIAL SCHOOL DISTRICT TAX - REQUEST FOR INFORMATION

Vice-Mayor Horton requested that the City Manager find out how much the special school district tax is, officially.

After discussion, Vice-Mayor Horton's motion to proceed with the third and final reading was defeated on a voice vote of 4-2, with Councilmen Morris and Michael voting "no." (A 2/3 vote of Council is required to proceed with the readings of an ordinance.)

Councilwoman Price then moved that police and fire protection be given to the WNC Baptist Homes, Inc. property in Richmond Hills until an agreement can be reached between the City and the organization. This motion was seconded by Councilman Rainey and carried unanimously.

Vice-Mayor Horton said he felt it was morally and statutorily wrong to make an agreement a provision of the annexation.

Councilman Rainey said he felt Council needed a written policy on such matters.

PUBLIC HEARING - REZONING - PROPERTY ON MERRIMON AVENUE - MS. BETTY WOODS

ORDINANCE NO. 1101 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to rezoning property on Merrimon Avenue from R-3 Residential District to CH Commercial Highway District, property owned by Ms. Betty Woods.

Mayor Trantham opened the public hearing at 4:12 p. m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission reviewed the request on April 4, 1979 and recommended approval of the petition to City Council. He said the approval was recommended even though there was written protest to the rezoning. By the use of a map, Mr. Emrick reviewed the location of the property in question. He said the property was located off Merrimon Avenue next to a vacant lot fronting on Merrimon Avenue.

Ms. Betty Woods, owner of the property, spoke in support of the rezoning. She said she was trying to get all the property owned by her in that vicinity zoned to CH Commercial Highway.

Mayor Trantham closed the public hearing at 4:23 p. m.

Verl Emrick, Director of Planning, read the ordinance rezoning the property as petitioned.

Councilman Michael moved for the adoption of Ordinance No. 1101. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-1, Ordinance No. 1101 passed on first reading, with Councilman Rainey voting "no."

After discussion relative to the arrests made at the rock concerts, Mr. Taylor asked Council to endorse the actions of the Police Department in making those arrests.

George Woodruff, Executive Director of Concerned Citizens for a Better Asheville and Buncombe County, also commended the law enforcement officers on their efforts to deal with the drug problem. He said his group will be forming a Task Force to deal with the problem in an effective rehabilitation program as well as public education on a massive scale. He said the support of the City Council would be helpful.

After further discussion relative to the arrests made at the rock concerts, Councilman Rainey moved that Council commend the actions of the Asheville Police Department taken against individuals who violate existing drug and alcohol abuse laws at the Asheville Civic Center. This motion was seconded by Councilwoman Price.

Councilman Morris said he could not support such a motion because it singles out one incident and he did not feel that Council knew exactly what went on during the arrests. He said the Chairman's statement was only directed to the manner in which the arrests were made.

Councilman Michael said he could not support the motion because it isolates one incident.

Councilman Morris then made a substitute motion that the City Council believes that all laws should be enforced everywhere within the City of Asheville. This motion was seconded by Councilman Michael.

After discussion of the two motions on the table, Mayor Trantham suggested that Council delay action on the motions until a satisfactory motion can be reached and a report from the Police Department as to exactly what happened during the arrests at the Civic Center.

Councilman Morris then moved to table action on the motions until next week. This motion was seconded by Councilman Michael, which motion carried on a voice vote of 4-2, with Vice-Mayor Horton and Councilman Rainey voting "no."

ASTON PARK FACILITY - AMENDED GROUP DEVELOPMENT PLAN SUBMITTED

Mr. Charles Worley, representing the Aston Park Hospital, presented an amended group development plan for the Aston Park Facility.

Mr. Bob McDonald of the Planning Department said the original site plan was approved in 1977, however, the plan has been substantially amended and needs further approval by Council. He said they are ready to begin grading and any delay in approval could mean re-negotiations of the grading contract.

After discussion and review of the amended plan, Councilman Morris moved to approve the amended site plan for the Aston Park Hospital. This motion was seconded by Councilman Mich 1 and carried unanimously.

DEFICIT OF ASHEVILLE TRANSIT AUTHORITY - DISCUSSION

Councilman Michael said he had read that the deficit of the Asheville Transit Authority would be \$900,000 this year, which is \$200,000 more than last year. He said the School Board had been requested to increase their share from 20¢ to 25¢ for the school children to ride the bus and Biltmore Forest had been requested to increase their share by 25%. He said it was his understanding that they had agreed to this increase in order not to have an increase in the Asheville Transit Authority deficit. He requested that Council review the Asheville Transit Authority deficit during their budget work sessions.

CHUNNS COVE ROCK DUMPING - REPORT

Upon inquiry of Councilman Rainey the Associate City Manager reported that he had met with Asheville Contracting Company relative to their covering up a sewer line during their rock dumping operation in Chunns Cove. He said Asheville Contracting Company has agreed to uncover the sewer line and replace the pipe.

Councilman Rainey said he had inspected the proposed site on Tunnel Road that Asheville Contracting Company proposed to fill and he was satisfied that the finished grade would be flat on top.

AIRPORT AUTHORITY - DISCUSSION

Council discussed the request of the County of Buncombe for the City of Asheville to state their position on the establishment of an Airport Authority. Feeder lines in Haywood County, North Buncombe and Henderson County were also discussed.

CHRISTIAN ACTION LEAGUE - DON TAYLOR - DRUG PROBLEMS - ROCK CONCERTS

Mr. Don Taylor, President of the Buncombe County Chapter of the Christian Action League of North Carolina, Inc., expressed appreciation to the City Police, Buncombe County Sheriff's Department, and the Interagency Narcotics Squad for their efforts to cope with the drug problem. He said his group is very concerned with the drug problem in Buncombe County and is launching a pilot program to research the drug problem to see how bad it really is and what can be done to deal with the problem. He solicited Council's support of the program and further requested that the City Council give its full support to the City Police and other law enforcement agencies as they enforce the law against the sale and use of drugs.

Referring to the arrests made at the Asheville Civic Center during the last two rock concerts, Mr. Taylor said he was upset with the Chairman of the Civic Center Commission's statement which said the arrests would only decrease the business at the Civic Center. He said such a statement is irresponsible for an appointed official as the Police Department was only enforcing the law.

Councilman Michael said the local agencies also need cooperation from the judicial system.

Montford is at a crossroad. With a little help from city government and other institutions, our neighborhood will once again become an attractive area in which to live. With continued neglect, further physical deterioration and erosion of the tax base will take place. The upcoming neighborhood plan is a chance to begin to map out a more positive future for us.

We ask, that in your regular meeting on Thursday, May 10, 1979, you decide on whether yourself or the Planning and Zoning Commission should deal with our requests. After that issue is resolved we would like to move quickly to a formal hearing on the matter.

Looking forward to your response.

Sincerely,

David E. Matney, III, Chairman
Board of Directors
Historic Montford, Inc.

DEM:mej

cc. All members of the Asheville City Council
All members of the Planning and Zoning Commission
Mr. Verl Emrick, Planning Director
Mr. Ken Michalove, City Manager

Councilwoman Price moved that the letter be referred to the Planning and Zoning Commission for consideration and recommendation. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Rainey requested that Planning and Zoning take action on the matter as soon as possible.

PETITION - WOMBOLT AVENUE - DRAINAGE PROBLEM

The City Manager presented a petition from residents of Wombolt Avenue relative to a drainage problem. He said the problem would be investigated.

PETITION - KENILWORTH RESIDENTS - OPPOSING HOME FOR DEVELOPMENTALLY DISABLED CITIZENS

The City Manager presented a petition from residents of Kenilworth who opposed the construction of a home for developmentally disabled citizens in the Kenilworth area.

LETTER - DAVID E. MATNEY, III - HISTORIC MONTFORD, INC.

The City Manager presented the following letter for Council's consideration:

Mayor Roy M. Trantham
Post Office Box 7148
Asheville, NC 28807

Dear Mayor Trantham:

During the regular monthly meeting of Historic Montford, Inc. on Thursday, May 3, 1979, the members attending unanimously approved a motion that the following requests be made to the Asheville City Council and/or the Asheville Planning and Zoning Commission:

- A. An immediate moratorium on rezoning in Montford*
- B. An immediate moratorium on commercial building permits in Montford
- C. A 90-day public notice of demolitions in Montford

The reasons for these requests are twofold. First, a comprehensive neighborhood planning process, using already allocated CD funds, will be undertaken shortly by the City's Division of Planning. It is expected that one aspect of this plan will carefully examine all existing zoning designations in the neighborhood and make recommendations for possible changes. As part of this examination there will need to be a thorough investigation of possible negative impacts on adjacent revitalizing residential blocks by further commercial intrusions. Tax base implications should most assuredly be explored. In addition, all properties in Montford which are currently judged to be dilapidated and therefore, potential candidates for demolition, need to be reassessed in light of the increasing value of and investor interest in older properties in Montford.

Second, a portion of the neighborhood is being suggested as a local historic district by the Planning and Zoning Commission. The historic designation by the Commission, the soon to-be-formed Asheville-Buncombe County Historic Resources Commission and its subsequent approval by the Asheville City Council, will allow for architectural design guidelines to be established for any new construction or reconstruction in the historic district. It is our hope that these guidelines be put into effect before any further development takes place. Biltmore Village, as you are aware, is a prime example of what can happen without such guidelines.

* For the purposes of these requests and for the neighborhood planning process, we are suggesting that Montford be defined as those areas surrounded by the intersections of 19-23, Broadway and the Crosstown Expressway.

RALPH BISHOP - DRUGS DURING ROCK CONCERTS AT THE CIVIC CENTER

Ralph Bishop told Council the only way to do away with drugs at the Asheville Civic Center during a rock concert is to instruct the City Manager not to bring any more rock concerts to the Asheville Civic Center.

Adjournment.

[Signature]
MAYOR

[Signature]
CITY CLERK

After discussion, it was the consensus of Council that the Mayor write a letter to the residents of Kenilworth explaining Council's position as was discussed during the April 26, 1979 meeting of the City Council.

LEGISLATIVE BULLETIN - BILLS TO BE CONSIDERED BY GENERAL ASSEMBLY

The City Manager presented Council with copies of a legislative bulletin which highlighted several bills being considered by the General Assembly. He said the North Carolina League of Municipalities has given sufficient study to the bills to take a stand on the future impact to the municipalities. He requested that Council support the League's position on the proposed bills.

Councilwoman Price moved that the Mayor be authorized to contact the delegates of the General Assembly supporting the League's position on the bills highlighted in the legislative bulletin.

After discussion, it was the consensus of Council to delay action on the motion until the bill could be discussed during a Council work session.

CLAIMS - MR. BRUCE BOYD - MS. MARY VLAHOS - MR. T. T. ROGERS - NORTHWESTERN BANK
MRS. GLADYS B. WARREN - WHITMIRE MONUMENT COMPANY

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

The following individuals have claims against the City of Asheville for damage:

Mr. Bruce Boyd 7 Montford Park Place Asheville, N. C.	Damage to automobile, rock protruding from cut across concrete drive
Ms. Mary Vlahos 60 Holland Street Asheville, N. C.	Property damage, sewer back-up
Mr. T. T. Rogers 52 Holland Street Asheville, N. C.	Property damage, city truck ran into back porch
Northwestern Bank 1 Pack Square Asheville, N. C.	City truck ran into brick wall
Mrs. Gladys B. Warren 233 Maplehurst Avenue Syracuse, N. Y.	Damage to property, 100 North Griffing Boulevard, broken pipes
Whitmire Monument Company 1468 Patton Avenue Asheville, N. C.	Damage to property, water leak

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RECOGNITION OF CITY EMPLOYEES COMPLETING "PRINCIPLES OF SUPERVISION" TRAINING COURSE

4. The City Manager said on February 19, 1979, thirty-six (36) of our Department and Division Heads, Supervisors, and Foremen began a ten (10) week, forty (40) hour course at A-B Tech in the "Principles of Supervision." He said this was a college credit course in the North Carolina Community College System and was taught by Mr. Charles B. Potter. He said the course was an effort to learn and apply effective management and supervisory techniques to City government. He said all thirty-six (36) of the employees enrolled in the course have successfully completed the requirements for a certification from the School. In recognition of their achievement, he presented each employee with their certificate.

The City Manager thanked Mr. Charles Potter, the instructor, and Lowell Smith of A-B Tech for their assistance in the training course. He also thanked John Miall for his efforts in putting the training course together.

RESOLUTION NO. 79-100 - RESOLUTION SUPPORTING ANTI-LITTERING LEGISLATION

5. Consideration was given to a resolution supporting anti-littering legislation.

The City Manager read the resolution.

Councilwoman Price noted that this matter was discussed by Council two weeks ago and after hearing presentations on both sides of the issue concerning legislation considered by the General Assembly which was known as the "Bottle Bill" Council decided to delay action on the matter. She said it was apparent that the General Assembly would take no action on the "Bottle Bill." She said the proposed resolution requests that the General Assembly address the total litter problem.

Councilwoman Price then moved for the adoption of Resolution No. 79-100. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Mr. Sanders Rowland, President of the Coca-Cola Bottling Company, expressed appreciation to Council for requesting comprehensive legislation on the litter problem.

Complete text of Resolution No. 79-100 will be found in Resolution Book No. 11 at page 185.

ORDINANCE NO. 1100 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA (W.N.C. Baptist Homes Property in Richmond Hills)

6. Consideration was given to the third reading of Ordinance No. 1100, an ordinance to extend the corporate limits of the City of Asheville, North Carolina, property owned by the W.N.C. Baptist Homes located in Richmond Hills.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Mr. Don Taylor spoke in support of adoption of the ordinance.

Thursday - May 17, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

Whitney Davis, Captain of the Police Department, described the Chaplain Program now going on at the Police Department. He expressed his appreciation for the beginning of the program.

Mayor Trantham introduced Rev. James Tucker, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 10, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the May 10, 1979 meeting were approved as submitted.

PROCLAMATION - YOUTH-IN-CITY GOVERNMENT DAY - MAY 17, 1979

2. The City Manager recognized the participants in Youth-in-Government Day.

Mayor Trantham proclaimed May 17, 1979 as "Youth-in-Government Day" in the City of Asheville.

RESOLUTION NO. 79-99 - RESOLUTION OF APPRECIATION TO JOSEPH L. BRADY FOR SERVICES AS CHAIRMAN OF THE ASHEVILLE PLANNING AND ZONING COMMISSION

3. Consideration was given to a resolution of appreciation to Joseph L. Brady for services as Chairman of the Asheville Planning and Zoning Commission.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-99 was unanimously adopted.

Complete text of Resolution No. 79-99 will be found in Resolution Book No. 11 at page 184.

Ralph Bishop said he was opposed to charging the hospitals for the service because the cost would be assumed by the patients.

Councilman Morris suggested that the language relative to the specifications of bulk containers be changed because the smaller bulk containers owned by some businesses do not meet the specifications by not having doors opening on two sides of the containers.

Clark Brown, Director of Public Works, said he would clarify the language in the ordinance relative to specifications on bulk containers.

Councilman Rainey suggested that the ordinance include a provision for charging interest on any unpaid balance due the City for bulk container pick-up service.

Mayor Trantham closed the public hearing at 3:50 p. m.

Councilwoman Price moved for the adoption of Ordinance No. 1102, including the changes relative to specifications of bulk containers and charging interest on any unpaid balance due the City for bulk container pick-up service. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1102 passed on first reading.

PUBLIC HEARING - ZONING AIRPORT PROPERTY

ORDINANCE NO. 1103 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Zoning Airport Property)

9. A public hearing was held relative to zoning the Airport property to LI, Light Industrial District.

Mayor Trantham opened the public hearing at 3:55 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said after reviewing the recommended zoning of the airport property to LI, Light Industrial District, it has been determined that the gasoline storage containers located at the airport is not a permitted use in the Light Industrial District, therefore, he recommended that the zoning be changed to HI, Heavy Industrial District.

By the use of a map, Mr. Emrick reviewed the location of the airport property to be zoned.

Mayor Trantham closed the public hearing at 4:10 p. m.

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1103. This motion was seconded by Councilman Morris.

Mr. Benfield, representing the W.N.C. Baptist Homes, said the organization would be willing to pay for the city services as a payment-in-lieu of taxes. However, he said he had been unable to obtain an agreement for same at this time.

Vice-Mayor Horton further commented that Council could not make an agreement to pay for the services a provision of the annexation. He said the agreement would be discussed during a Council meeting, at a later date after the annexation is completed.

On a roll call vote of 6-0, Ordinance No. 1100 passed on third and final reading.

Complete text of Ordinance No. 1100 will be found in Ordinance Book No. 8 at page 337.

ORDINANCE NO. 1101 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property on Merrimon Avenue, property owned by Ms. Betty Woods)

7. Consideration was given to the second reading of Ordinance No. 1101, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on Merrimon Avenue, property owned by Ms. Betty Woods.

Mayor Trantham stated the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, reminded Council that a 3/4 favorable vote would have to be received for the adoption of the ordinance due to the amount of opposition involved in the rezoning request.

On a roll call vote of 4-2, Ordinance No. 1101 was defeated on second reading.

PUBLIC HEARING - REVISION OF SANITATION CODE

ORDINANCE NO. 1102 - AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

8. A public hearing was held relative to revising the Sanitation Code of the City of Asheville.

Mayor Trantham opened the public hearing at 3:30 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

The City Manager read the ordinance. He said after examining the services provided it was determined that the service was not provided on an equal basis in that some businesses are receiving two or three pick-ups per week while others were only receiving one pick-up per week. He said this ordinance will provide for a charge of \$8.00 per pick-up after the first "free" pick-up during a one-week period. He said this will increase revenue by \$250,000 which will pay for the service on the bulk containers.

He said since that time Council had a meeting at which time the Chief of Police discussed his position and feeling of the necessity of taking the action that was taken which precipitated these motions.

He then moved that the substitute motion which reads "the City Council believes that all laws should be enforced everywhere within the City of Asheville." be amended by adding the following: "and appreciates the continuing efforts of the Asheville Police Department to that end -- particularly in the apprehension of those violating alcohol and drug abuse laws in or near City-owned facilities." This motion was seconded by Councilman Rainey and carried unanimously.

Councilwoman Price expressed appreciation for the Chief of Police's report relative to the drug problem during rock concerts at the Asheville Civic Center as well as the report from the Asheville Area Civic Center Commission.

RESOLUTION NO. 79-101 - RESOLUTION ELECTING MEMBERS OF BOARD OF EXAMINERS FOR POLICEMEN'S AND FIREMEN'S PENSION AND DISABILITY FUND

12. Consideration was given to a resolution electing members of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund.

The City Manager read the resolution which elected Dr. John A. Henderson and Mr. John Best as members of the Board of Examiners for the Policemen's and Firemen's Pension and Disability Fund.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-101 was unanimously adopted.

Complete text of Resolution No. 79-101 will be found in Resolution Book No. 11 at page 186.

RESOLUTION NO. 79-102 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE AN AIRPORT LEASE WITH GLENDA D. BOWLES, WITH RESPECT TO LEASING THE AIRPORT GIFT SHOP CONCESSION AT THE ASHEVILLE AIRPORT

13. Consideration was given to a resolution authorizing the Mayor to execute an airport lease with Glenda D. Bowles, with respect to leasing the Airport Gift Shop Concession at the Asheville Airport.

The City Manager read the resolution.

Councilman Morris was excused from voting on the resolution due to a conflict of interest.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-102 was adopted.

Complete text of Resolution No. 79-102 will be found in Resolution Book No. 11 at page 187.

Councilwoman Price then moved to amend Ordinance No. 1103 by zoning the airport property to HI, Heavy Industrial District. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1103, as amended, passed on first reading.

BUDGET AMENDMENT - APPROPRIATING FUNDS FOR NORTH ASHEVILLE PARK

10. The City Manager presented a budget amendment to amend the City of Asheville Federal Capital Projects Funds budget for Fiscal Year 1978-79 to set up appropriate revenue and expenditure accounts to accommodate the execution of a contract with the Heritage Conservation and Recreation Service for development of approximately 7.5 acres of land as a neighborhood park/playground facility to be known as North Asheville Park. The local cash match is appropriated in the General Revenue Sharing Trust Fund. The in-kind match will be provided by Parks and Recreation labor and administrative staff time devoted to the project.

<u>Account Code</u>	<u>Appropriation</u>	
65-45-674	North Asheville Park	<u>\$140,000</u>
	<u>Revenue</u>	
65-349-0674	Federal Grant - Heritage Conservation and Recreation Service (formerly the Bureau of Outdoor Recreation)	\$ 70,000
65-397-0674	Contribution from General Revenue Sharing	35,000
65-396-0674	Contributions from Other Funds - In-Kind	<u>35,000</u>
		<u>\$140,000</u>

Councilman Rainey moved for the adoption of the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton, which action carried with Councilman Cole voting "no."

LAW ENFORCEMENT - CIVIC CENTER - DISCUSSION

11. Further consideration was given to the matter relating to law enforcement at the Civic Center and in the City of Asheville.

Vice-Mayor Horton said a motion, with a second, was made at last week's meeting relative to the law enforcement at the Civic Center during the rock concerts. He said during the discussion a substitute motion was offered, with a second, and after further discussion the two motions were voted to be placed on the table until this meeting. He said therefore, they come off the table and he presumed that Council would consider the substitute motion in that it took precedence at the end of the discussion.

- H. Resolution No. 79-105 - Resolution authorizing the Director of Aviation to submit an application for strengthening Runway 16-34 at the Airport.

Resolution Book No. 11 page 190.

- I. Resolution No. 79-106- Resolution authorizing the Mayor to sign an amendment to the Hertz, Avis, and National Car Rental Agreement at the Asheville Airport.

Resolution Book No. 11 Page 191.

- J. Scheduling of a public hearing relative to the establishment of a Historic Resources Commission for June 14, 1979.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the consent agenda was unanimously approved.

CERTIFICATE PRESENTED TO CITY FROM HISTORIC PRESERVATION SOCIETY

Councilwoman Price presented a certificate presented to the City from the Historic Preservation Society for the work the City has done in the Historic Properties Inventory.

JOHN ROBINSON - NEWS REPORTER - TRANSFERRING

Mayor Trantham read two letters, one from him personally and one from the Council, to Mr. John Robinson, Asheville-Citizen Times News Reporter, who is leaving the Asheville-Citizen Times.

CHUNNS COVE AREA - ROCK DUMPING BY ASHEVILLE CONTRACTING COMPANY - HERB MOORE

Mr. Herb Moore, of Chunns View Drive, representing the Beaucatcher Homeowners Association in the Chunns Cove Road area, requested that Council take steps to force Asheville Contracting Company to remove rock from the easement of a city sewer line in the Chunns Cove area. He said the company was also violating restrictions in covenants on the property in the Mountainbrook Subdivision. He asked Council to pass a resolution expressing that Asheville Contracting Company and Baxter Taylor abide by the restrictions in the Mountainbrook Subdivision. He said he felt Council had a legal obligation to ask Asheville Contracting Company to remove the rock from the easement of a city sewer line and a moral obligation to ask them to abide by the covenants.

The City Attorney advised Council that the City should not get involved with the private covenant restrictions.

After discussion, Mayor Trantham advised Mr. Moore that Council would take his requests into consideration.

APPROVAL OF THE CONSENT AGENDA

14. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-103 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a temporary encroachment in connection with the Airport Runway Extension at the Asheville Airport.

Resolution Book No. 11 Page 188

- B. Scheduling of a public hearing relative to amending Section 30-3-3 of Asheville Zoning Ordinance #322 dealing with "Non-conforming Uses" for June 14, 1979.

- C. Scheduling of a public hearing relative to amending the Zoning Ordinance for the adjustment of filing fees for rezonings, group developments, and subdivision reviews for June 14, 1979.

*Councilman Morris also suggested that filing fees for appeals to the Board of Adjustments also be included in this public hearing.

- D. Scheduling of a public hearing relative to zoning property of W.N.C. Baptist Homes in Richmond Hills to R-3 Residential District. for June 14, 1979.
- E. Approval of bids received May 14, 1979 for recording equipment and accessories for the Hillcrest Community Center, Parks and Recreation Department.

HIGHLIGHTS: Only one (1) bid received. Recommendation of acceptance of bidder, Stero-Corral in the amount of \$2,991.22. Funding: State Grant-Hillcrest Enrichment Center - \$3,000

- F. Approval of bids received May 14, 1979 for estimated twelve (12) months requirements for water meters.

HIGHLIGHTS: Three (3) bids were received. Recommendation of overall low bidder, Neptune Water Meter Company in the amount of \$119,422.00. Funding: Water and Sewer Department - Operations Fund.

- G. Resolution No. 79-104 - Resolution authorizing the City Manager to sign a warranty agreement for the roof membrane at Fire Station #3.

Resolution Book No. 11 Page 189

Thursday - May 24, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Otis B. Michael

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 17, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the May 17, 1979 meeting were approved as submitted.

LAW ENFORCEMENT - CIVIC CENTER - DISCUSSION - PARLIMENTARY PROCEDURE - VOTE ON MOTION

2. Vice-Mayor Horton noted that at last week's meeting a motion was made to amend a substitute motion, which motion carried unanimously, relative to law enforcement at the Civic Center and within the City of Asheville. He said after Council approved the amendment to the motion, they failed to vote on the substitute motion, as amended. He requested the City Clerk to read the substitute motion, as amended, which read as follows: "the City Council believes that all laws should be enforced everywhere within the City of Asheville -- and appreciates the continuing efforts of the Asheville Police Department to that end-- particularly in the apprehension of those violating alcohol and drug abuse laws in or near City-owned facilities."

Mayor Trantham then called for a voice vote on the substitute motion, as amended, which voice vote carried unanimously.

PRESENTATION OF CITY OF ASHEVILLE BUDGET FOR FY 1979-80 - SCHEDULING OF PUBLIC HEARING ON BUDGET

3. The City Manager presented the City of Asheville Budget for Fiscal Year 1979-80 and requested that a public hearing be scheduled on the budget for June 7, 1979.

The City Manager read the following budget letter accompanying the budget for the City of Asheville for Fiscal Year 1979-80:

1979-80 BUDGET DISCUSSION

Sofia Dickinson, 424 Brooklyn Road, said she had read in the newspaper that Council is making proposals for cuts in service and recommended a delay in opening of the Shiloh Center. She asked that Council find some other way to cut the budget.

Several individuals spoke relative to the recommendations to cut the budget for 1979-80 stating that Council should consider other alternatives other than recreation. One suggested that all swimming pool hours be cut rather than closing Walton Street Pool.

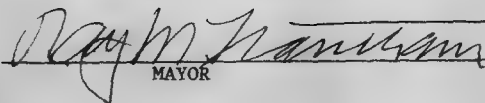
The City Manager advised that no final recommendations have been made and cuts were recommended in many more areas than the news media discussed.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council about the lottery sales in Asheville.

Vice-Mayor Horton asked Mr. Bishop if he would be willing to give a deposition to the law enforcement agency to help them in apprehension of the lottery peddlers. Mr. Bishop said he would be willing to give his deposition to the City Manager.

Adjournment.


MAYOR


CITY CLERK

- 2 -

- 1) Our municipal service area is approximately 25 square miles;
- 2) We have over 400 miles of streets;
- 3) We serve over 60,000 people in over 20,000 dwellings and businesses; 24 hours a day - 7 days a week;
- 4) We have in excess of 1,000 full and part-time employees in 20 different departments and divisions;
- 5) We support approximately 20 different boards and commissions;
- 6) We have a total annual budget of over \$25 million of which only \$6.7 million comes from ad valorem tax, based on a tax base of approximately \$731 million;
- 7) We have over 750 miles of water transmission lines - probably the largest in the State; and
- 8) The ad valorem property tax barely pays for police protection, fire protection and garbage collection.

In late January of each year we begin the formal process of preparing the City budget for the twelve month period beginning July 1 and ending June 30. Therefore, as a matter of fact, we are forecasting the amount of money we will receive and spend some twelve to eighteen months into the future. The first estimate of the budget is completed around the end of April and this estimate contains all of the services, equipment, and employee benefits that we need to provide all the goods and services that have been requested. This estimate also contains an estimate of the money we can expect to receive from taxes and other sources to offset the expenses. Typically, what we would like to have in way of services, equipment and employee benefits far exceeds the amount of money we can expect to receive. This year is no different. As of April 24, when we first discussed the budget, we had \$3.3 million more in needed expenses than in expected revenues. If we were to raise this amount from property taxes it would require a 48¢ increase in taxes for each \$100 valuation. This would mean that our city property tax rate would be raised from 97¢/\$100 valuation to \$1.45/\$100 valuation.

Since property taxes have only been increased 5¢ in the past five years, it was not reasonable to believe that the City Council would raise taxes in the amount needed to cover the estimated budget nor could I, as City Manager, recommend that we raise taxes in that amount. Therefore, since our initial budget meeting on April 24 and in subsequent meetings held since then, I have cut estimated expenses to match estimated income.

In making such drastic cuts there are roughly five ways to approach it:

- 1) Eliminate entire programs;
- 2) Eliminate portions of services;
- 3) Eliminate programs according to the percentage of funds each service receives from the budget;

CITY



OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

OFFICE OF
CITY MANAGER

May 24, 1979

The Honorable Mayor and
Members of City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor and Members of Council:

Submitted herewith are the budget estimates for Fiscal Year 1979-80 which begins July 1, 1979. The budget was prepared according to the provisions of the Local Government Budget and Fiscal Control Act, as amended.

In accordance with this act, a copy of the budget will be filed in the Office of the City Clerk "where it shall remain available for public inspection until the Budget Ordinance is adopted." The Act also requires that the City Clerk publish a statement that the budget has been submitted to the Governing Board and is available for public inspection in his office. The statement shall also give notice of the time and place of a required public hearing. As a matter of local practice, the Budget Ordinance requires three readings before adoption and should be adopted "not earlier than ten days after the budget is presented to the Board and not later than July 1." Changes may be made in the budget at any of the three readings.

In order to give you and the public a mental image of the size and complexity of our operations, the following is a brief summary:

The Asheville City Government is a large diversified enterprise that provides services not only to residents of the City of Asheville, but to all of Western North Carolina. Major services which extend beyond the city limits, include: the Airport, with 350,000 passengers a year; the Water Department serving 33,000 customers and several municipalities with an average of over 20 million gallons of water a day; the Civic Center serving over 500,000 patrons annually; and the Parks and Recreation Department's facilities such as: Bee Tree Lake, Municipal Golf Course, Aston Park Tennis Courts, and Recreation Park.

In addition to the areawide spillover effects of City of Asheville services outside the city limits, there are some significant facts about the internal make-up and organization of the City of Asheville that are important to budgetary considerations. These are:

the largest N. C. city west of Charlotte, a leader in the growth of western North Carolina and a progressive city, and we should maintain that image and role.

- 5) We should seek the transfer of the expense burden of county-wide activities to appropriate governing bodies on an equitable basis to the City of Asheville property owner or we should pay for those services from sources other than property tax.

However, as wholesome as these criteria may be, there are certain matter of fact things over which we have little or no control. The following are some examples:

The budget process for Fiscal Year 1979-80 really began years ago with the decisions made then. Our status at this point in time reflects the policy and administrative decisions of this and previous City Councils, City Managers, and the attitudes and desires of the general public. This simply means that there are numerous activities we are now involved in over which we have had no control or say in establishing but which we now have an obligation to complete. To dwell on whether those past decisions were good or bad is inconsequential, although we should be aware of these decisions and their impact when making future fiscal and management plans. This budget generally reflects a time span of 12 months, but the final decisions we make this year will again perpetuate policy and administrative direction far into the future.

SOME MAJOR EXAMPLES OF BUDGETARY MATTERS AFFECTED BY PREVIOUS MANAGERIAL/COUNCIL DECISIONS ARE AS FOLLOWS:

- 1) 1939-Police/Fire Pension Plans - In Fiscal Year 1976-77, the City Council took a giant step forward in beginning the full funding of the Police/Fire Pension Plans started in 1939. Up to and until this time, the funding had been on a "pay-as-you-go" basis which did not materially affect the budget while employees were young and able. However, we were reaching a point when the employees under these plans had accumulated a number of years of service, retirement ages were being reached and disabilities were increasing, and the "pay-as-you-go" basis would soon have put the City into a position of using very large amounts of operating funds to pay the retirement benefits expense. It was a giant step forward for that City Council to recognize the need to provide actuarial funding for these retirement programs to assure the employees of their benefits and to save future administrations the disproportionate costs inherent to "pay-as-you-go" funding. However, even with the actuarial funding, the continuing expense for police and fire pensions is in excess of \$1 million a year (over 15¢ on the 1979-80 tax rate). Last year we paid this cost and we anticipate paying it this year partly from Federal General Revenue Sharing Funds, a source of funds which in itself is not guaranteed. By continuing this funding under the Federal General Revenue Sharing Program in place of funding the entire plan through the General Fund local revenues, we have affected the fiscal policy of this and future City Councils. For example, the Revenue Sharing Entitlement for

- 4) Eliminate portions of services according to a flat percentage cut equal to the amount of money the budget is out of balance; and/or
- 5) Cut the least important services first.

Obviously there are inequities to these methods so I used the following criteria to balance:

- 1) Direct services to the City of Asheville residents, in the order of priority they feel most important and provided in an efficient manner, are the first and most important consideration.

Since the City Council represents City residents, I used the following priority list to go by:

COUNCIL SURVEY RESULTS

1. Law Enforcement
 2. Fire Protection
 3. Residential Refuse Collection
 4. Street and Sidewalk Maintenance
 5. Leaf and Brush Collection
 6. Street Cleaning and Snow Removal
 7. Traffic Control
 8. Bulk (Commercial) Refuse Collection
 9. Airport
 10. Street Lighting
 11. Civic Center
 12. Transit Authority
 13. Code Enforcement
 14. Outdoor Recreation
Indoor Recreation
 15. Downtown Parking
 16. Library
 17. Cemetery
 18. Contributions to Non-Profit Agencies
- 2) Since we are a labor intensive service organization, we should expect high employee performance standards and we should be competitive with local private industry and comparable cities in North Carolina in pay and benefits so that we attract and retain the best qualified employees.
 - 3) We should protect the property values and the investment of Asheville's residents and businesses in the services we provide and in the decisions we make toward the consolidation of governmental services and in providing governmental services.
 - 4) Asheville is the county seat, the seventh largest city in North Carolina, known worldwide as a tourist/convention center,

collection service alone. On the other hand, tax-paying residential development and business development is primarily taking place outside the city limits. This can be seen in the rapid growth in the County's tax base as displayed in Exhibit C.

- 5) Annexation Moratorium - The City has been under a local annexation moratorium for more than four years under the authority of the General Assembly. This moratorium encourages growth surrounding the city limits. This also encourages the use of City services without giving the City the option to incorporate those areas to help us provide the revenues to pay for services rendered. This artificial restriction of Asheville's natural growth affects not only ad valorem tax receipts but also many State and Federal shared revenues, since the allocation of such revenues is based on population growth, local tax effort, and relative size and growth of our City compared to other cities. The annexation moratorium ends July 1, 1979.
- 6) Civic Center - The Civic Center has been and is an excellent entertainment, cultural, and convention resource for all of western North Carolina. However, the operational and debt service cost borne directly by the City of Asheville amounted to over \$1,041,000 or 15¢ on the tax rate for Fiscal Year 1978-79 after revenues are considered. Furthermore, the Civic Center supports almost \$54,000 in cost directly associated with the Art Museum, Mineral Museum, and Asheville Symphony.
- 7) Property Tax, Water Rates, and Tax Base -
 - A) Our property tax rate is 97¢/\$100 valuation. The Buncombe County tax rate is 73¢/\$100 valuation. We have one of the highest city tax rates in the State of North Carolina. The difference in the two rates is equivalent to the cost of the services and programs that the City pays of which are countywide in scope. A 1¢ increase in County taxes yields \$175,000. A 1¢ increase in City taxes yields \$68,747. The City tax base has not grown significantly in comparison with that of the County. (See Exhibit C for a comparison of City and County tax rates and bases.)
 - B) Our City water rate is one of the highest in the State of North Carolina. The rate outside of the City is one of the lowest. The differential is not by City choice, but is required by a local act of the General Assembly, the Sullivan Act, which is the only such legislation in the State. This legislation requires the City to sell water outside the city limits at the same rate as inside the city limits. The practice in other city-owned water systems is to charge non-city customers two to three times the rate charged to city customers.

Fiscal Year 1979-80 is \$1,409,278 and we plan to use \$700,000 of that for the Police Pensions. Due to the increased number of retirements in general, particularly "line of duty" disability retirements, the City's pension cost has been increasing by \$300,000 to \$400,000 annually. In April, 1979, the General Assembly passed an amendment to the Policemen's Pension Act which should provide a leveling off of expense caused by the unanticipated number of disability awards and the Fire Department employees voted to go to the State Retirement Program January 1, 1979.

- 2) Federal Program Capital Funds - (Model Cities, Community Development, Bureau of Outdoor Recreation, Urban Renewal, etc.) These funds improved materially the physical decay and quality of life in our City in numerous blighted areas that we would probably never have gotten to otherwise. However, in the area of recreation improvements alone, we will add \$300,000 to \$500,000 in continuing annual operational expense to support the facilities constructed with these funds. Examples are: Senior Opportunity Center, North Asheville Park, Shiloh Recreation Center, Montford Recreation Center, Burton Street Recreation Center, Livingston Street Recreation Center. These improvements also changed our recreational programs concept from seasonal outdoor recreation programs to a large indoor recreation center and outdoor program.
- 3) Bus System - The City of Asheville assumed the operation of the bus system in 1967. Through federal grants and a bond issue, we gained a new building and new buses. From 1967 to 1970 our losses were zero and in 1978-79 our gross loss was \$704,350 and our only salvation was the fact that in 1975 the Federal Government authorized a program to subsidize one-half of our operating loss. For Fiscal Year 1979-80, the total loss would have been \$751,427 before service cuts. As a comparison, the total loss in 1975-76 was \$416,657 and the City's share was \$203,240. This loss is growing every year with no realistic way to cut costs except to reduce service and/or increase fares.

We submitted an application to the Federal Government for a grant almost six years ago to begin a replacement program of our old buses. However, our request has not yet been granted. In the meantime, the price of a bus has increased from \$41,233 in 1974 to over \$80,000 now and there is an 18-month to 2-year delivery time. Also, we have no budget provision for matching the grant if it were approved this year.
- 4) Governmental and Non-Profit Organizations - Many governmental and non-profit organizations have chosen to locate inside Asheville city limits because of the free governmental services that we provide. Unfortunately, these agencies do not pay taxes, yet use a variety of City services. For example, I have estimated that these agencies receive approximately \$25,000 annually in garbage

- B) Assume financial burden for the difference between the actual and the equitable amount the City should pay for tax collection. \$161,908
 - C) Continue the funding of the Asheville-Buncombe Revitalization Fund. In particular, use the revenue from the sale of Pack Memorial Library for this purpose. (Net) \$100,000
 - D) Pay a portion of the cost of acquiring Deaverview Park. \$ 10,000
 - E) In accordance with state law, arrange for the City to dump garbage at the County landfill so that the City can close its landfill effective July 1, 1979. (Net) \$114,795
 - F) Assume a greater responsibility for funding the library and assume the administrative responsibility for the library July 1, 1979. (Net) \$ 64,840
 - G) Assume entire cost of County water maintenance plus pumping costs and add new water lines consistent with City plans outside the City limits as funds become available. (Approx) \$800,000
 - H) Assume the responsibility for operating Recreation Park October 1, 1979 and the City will lease the property to the County on a similar basis as the Nature Center. (Net) \$ 83,571
 - I) Assume a greater share of the operating cost of the Youth Council July 1, 1979 and assume the administrative responsibility for the program. (Net) \$ 9,000
- 4) That the City Council will request that the Buncombe County Commissioners and/or one of the two school systems to assume responsibility for the operation and maintenance of Memorial Stadium and McCormick Field at the end of the season for each facility. (Net) \$ 29,982
- 5) We are entering the 1979-80 Fiscal Year with the concept of retaining only \$1,000,000 of Fund Balance for City functions during the slow revenue periods. This amounts to less than one month's operating costs. The philosophy of not appropriating these funds to operations is a sound fiscal policy for several reasons: Interest earned adds to the revenues and further reduces the need for a tax increase; the policy is favorably considered on the bond market; and we are less likely to have to borrow money during slow periods of cash flow.

- 7 -

These are just a few of the inherited obligations that this City Council has assumed and is faced with.

SIGNIFICANT MATTERS PERTAINING TO REVENUES AND OFFSETTING EXPENSES:

The General Fund operates on revenues from fees and charges, ad valorem (property) taxes, local, state and federal grants, and shared revenues.

The General Fund has been balanced showing no increase in the ad valorem (property) tax rate but with some significant new revenue sources. The following information is a summary of significant matters pertaining to revenues that I feel the City Council should take into consideration:

- 1) The budget considers that the City Council will make a schedule adjustment in water rates countywide. The revenues produced from the increase will be used to pay into the City General Fund a payment in lieu of taxes/return on investment and improvements to the water system.
- 2) The budget considers that the City Council will pass ordinances charging for commercial container collection, increasing fees for various building and zoning permits, increasing certain recreation fees and fees for other general services.
- 3) The budget considers that the City Council will ask the County Commissioners to take full or equitable responsibility for financing the following:
 - A) I have recommended cutting funding to the outside agencies listed below from \$152,357 to \$104,042. However, I have left to City Council discretion the matter of determining how the reduction should be distributed. Some of these agencies may seek additional funding from the County.

	<u>Estimated</u>		<u>Requested</u>	
	<u>City</u>	<u>County</u>	<u>City</u>	<u>County</u>
	<u>78/79</u>		<u>79/80</u>	
Chamber of Commerce	\$ 80,000	\$ 69,500	\$ 80,000	\$ 69,500
W.N.C. Development Corp.	5,000	25,000	7,500	25,000
Bunc. Co. Rescue Squad	5,000	7,500	7,500	7,500
Community Rel. Council	33,857	36,400	37,000	36,400
Quality Forward	10,000	28,000	10,000	28,000
Nutrition Program	5,500	12,000	5,500	12,000
W.N.C. Air Pollution Bd.	13,000	35,294	13,000	33,680
Art Museum	*	20,000	10,324	20,000
	<u>\$152,357</u>	<u>\$233,694</u>	<u>\$170,824</u>	<u>\$232,030</u>
Subtotal				
Less Proposed City Reduction			<u>66,782</u>	
			<u>\$104,042</u>	

*Not stated separately

- A) Effective May 16, 1979 through June 30, 1980 there will be a freeze on the number of full-time permanent positions to the number approved for Fiscal Year 1978-79 which considers the City reorganization effective April 16, 1979.
- B) Effective July 1, 1979 Department Heads are to have designed special programs to involve volunteers in providing services.
- C) Effective July 1, 1979 through June 30, 1980 all part-time/temporary employment shall be kept at the expense level of Fiscal Year 1978-79.
- D) In the course of the budget decisions, we have considered certain cut-backs, deletions and/or charges for certain City services. However, it is our feeling that any reduction in permanent employees should be accomplished by attrition or transfer to another comparable job or in a manner prescribed by policy to be adopted by the Civil Service Board and the City Council.
- E) The following are significant employee benefit costs to the City that are contained in this budget:
 - 1) Five percent (5%) Pay Schedule Adjustment - effective July 1, 1979. \$475,394
 - 2) Continuation of the Pay/Performance Evaluation Plan \$236,050
 - 3) Position reallocation - approximately 29 employees affected. \$ 20,526
 - 4) Pay grade adjustment based on local studies and comparison to comparable North Carolina cities - approximately 442 employees affected. \$201,597
 - 5) Longevity Pay - would affect approximately 450 employees. \$161,427
 - 6) Life Insurance - \$5,000 \$ 42,870
 - 7) Hospitalization - free to employee, special group rate for family. \$346,855
 - 8) Additional Social Security coverage from 6.05 % to 6.13 % \$ 7,300
 - 9) Additional cost for general employees to go on the State Pension January 1, 1980. \$ 53,900
 - 10) Holidays (New Years Day, Easter Monday, July 4, Labor Day, Thanksgiving Day and 3 days at Christmas).

- 9 -

In addition to these actual increases in revenue, the City Council could consider the following additional sources:

- 1) Request that the Asheville City Schools reimburse the City for school crossing guards. \$ 33,000
- 2) Increase ad valorem (property) tax. Each penny increase will yield \$ 68,747
- 3) Consider charging for City services to governmental and non-profit agencies.
- 4) Continue to work with the County Government to fund those City activities which are county-wide in scope.
- 5) Consider a surcharge at the Civic Center.

SIGNIFICANT MATTERS PERTAINING TO EXPENDITURES:

As previously mentioned, the original budget estimates presented April 24 indicated that we needed an additional \$3.3 million in revenues to offset the projected expenditures. This \$3.3 million did not include additional personnel needs, capital improvements needed and operating equipment needed. Furthermore, on the 24th I presented a philosophy planning paper to reduce the budget along with certain recommended decisions to be considered by the City Council (See attached Exhibits A and B). Based on the conclusions and the mutual decisions that have been made regarding the planning papers and meetings with Department Heads and City Council the following are my recommendations and are included in the budget estimates the way it is balanced at this time.

- 1) That the City Council pass an ordinance to charge for commercial container collection. My reasons for recommending this are that we do not provide the service on an equitable basis and it is an extremely high cost service which many other cities have decided to charge for or eliminate.

Anticipated Revenue \$250,000

2) Personnel - Salaries and Fringe Benefits:

Since we are a labor intensive service organization, we should expect high employee performance standards and we should be competitive with local private industry and comparable cities in North Carolina in pay and benefits so that we can attract and retain the best qualified employees. We should adhere to the President's Voluntary Wage Control Program and we should not become dependent upon federally funded positions to support basic City services. The following recommendations adhere to the goals just stated:

By major functions, I have made the following cuts:

DEPARTMENT	AMOUNT	DESCRIPTION
Council/Manager	\$4,129	Reduction of Training and Travel and Dues and Subscriptions.
Administration	\$52,988	Elimination of Legal Advisor and Print Shop Supervisor positions and central word processing system. Reduction of Training and Travel. Result will be increased cost to corporate counsel, reduced quantity and quality of public information/printing and reduced support for City Manager's policy development, research and program evaluation efforts.
Inter/Extra Gov. Svcs.	\$328,690	Board of Tax Supervision - \$161,908 which represents 1.5% of tax revenues collected. Transit Authority - \$100,000. Some service cuts may be required to meet this reduction. Outside non-profit agencies - \$66,782 (see page 7 for details).
Non-Departmental	\$50,000	Reduction of contingency to \$100,000.
Finance	\$165,150	Transfer Data Processing conversion to capital projects funding saving approximately \$125,000. New positions in Accounting and Collections not approved. Training and Travel and Dues and Subscriptions reduced. Maintenance and Repair on City Building reduced by \$21,000.
Public Works	\$460,533	Administration - (\$11,000) Administrative Assistant position deleted. Street Lighting - (\$66,466) Cut 10% to reflect reduction in lights. Sidewalk Construction - (\$167,000) 13 full-time positions and equipment costs. Street Paving and Materials - (\$200,000) A contingency of \$150,000 has been included which anticipates the possible use of Community Development Funds support street improvements in the Area.

- 11 -

- 11) Sick Leave (12 working days per year for the first 5 years; 15, thereafter)
 - 12) Annual Leave (same)
 - 13) Effective June 1, 1979, reimbursement at a standard rate of 17¢ per mile for use of personal car for City business in town or out of town.
- 3) Telephone - We will implement a program to reduce the number of telephone installations and long distance calls.
 - 4) Printing and Duplicating - We will not fill a vacant position in the Print Shop and we will cut back on the quantity of use and type of work being done.
 - 5) Training and Travel - Training and travel has been frozen through the remainder of Fiscal Year 1978-79, and we have severely restricted travel during Fiscal Year 1979-80. We will cease the individual educational reimbursement program. Travel costs for individuals other than City employees, City Council members, designated City Council Board and Commission members will be eliminated effective May 16, 1979. Training budgets have been severely cut.
 - 6) Utilities - We will implement a conservation program regarding use of heating fuel and electricity.
 - 7) Dues and Subscriptions - Dues and subscriptions will be limited to those which the City belongs to as the City. Subscriptions will be limited to \$300 per Department.
 - 8) Motor Pool and Gasoline Consumption -
 - A) Department Heads will determine the take-home policy of City vehicles with emergency need for vehicles being the prime consideration.
 - B) A motor pool area will be set up on the area bordered by Valley, Marjorie, Spruce and Eagle Streets.
 - C) Departments are to cut fuel consumption by 25% of the May, 1978 actual use by June 1, 1979.
 - 9) Supplies - Purchase of supplies must be specifically approved by the Department Head beginning May 16, 1979 through June 30, 1979.
 - 10) Capital Outlay - There will be a freeze on capital outlay purchases beginning May 16, 1979 through June 30, 1979.
 - 11) Sharing of Employees and Equipment - From this time forward, we will look to more extensive sharing of employees and equipment among the City Departments.

<u>DEPARTMENT</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Civic Center	\$68,841	Cut one new position and eliminate all overtime. Eliminate direct service to Art Museum. Eliminate Civic Center Commission appropriation.
Library	\$88,630	Cut funding level requested for 1979-80 back to 1978-79 level. Will probably mean service cutbacks (reduced hours), and transfer balance of City support to GRS.

Items not budgeted or under-budgeted:

1. Only \$50,000 is budgeted for resolving the LEAA discrimination cases' - This may not be enough.
2. Asheville Revitalization Commission:
 - a. We are not planning to use ABC Revenues to fund the program
 - b. See Exhibit D for those activities funded and not funded.
3. No funds are included for the Historic Commission.
4. No funds for repairs or replacement of the Chestnut Street Viaduct.
5. No funds included for moving the Smith Bridge water line.
6. No funds are included for the Community Arts Council (\$6,000)
7. No funds are included for the Nature Center/Recreation Park sewer lines.
8. No funds are included for the requested Edgewood Road/Red Cross access project.
9. Only limited funds are available for Operations Complex development.
10. No funds are included for continuation of the renovation of the City Building, Police and Fire Departments.
11. No funding has been included to match Federal Aviation Administration projects.
12. No matching funds are included for new buses if the grant comes through this year.
13. No supplemental increase is included for retirees under the old police and old general employees pensions.
14. No money is included for construction of a Balsam Avenue cul-de-sac (\$8,300)

DEPARTMENT	AMOUNT	DESCRIPTION
Public Works Continued		Sanitation - Close landfill on July 1, 1979. (\$127,795 including 5 full-time positions). Inspections - (\$15,067) Cut one position and eliminate Dues and Subscriptions.
Employee Services	\$3,167	Deletion of the Federal Compliance Section and no new positions.
Planning	\$1,775	Reduction of Dues and Subscriptions and Training and Travel.
Police	\$688,160	Transfer of Police Pension cost to GRS (\$700,000). Eliminate all new positions except to add 5 police positions for Airport.
Aviation	\$86,827	Cut 2 new positions and eliminate contracted security guard and janitorial proposals. Cut grass maintenance by \$5,000.
Parks and Recreation	\$296,664	Bee Tree - (\$77,649) Transferred to Water Fund. Stadium and McCormick Field - (\$29,982) Close by December. Recreation Park - (\$83,571) Close at end of summer season. Senior Opportunity Center and Senior Citizen Activities - (\$92,859) Fund with Community Development and/or General Revenue Sharing Funds. Delete transportation, (\$15,429), with service to be provided through Asheville Transit Authority. Hillcrest - (\$20,000) Reduction of capital improvements and uniforms. Aston Park - (\$6,960) Reduction of court attendant. General - Delay opening of Shiloh Center, cut uniforms training and travel, etc. and increase rates as recommended by the Parks Advisory Council.

For the above unallocated funds I recommend the following guidelines be established by the City Council to include, but not be limited to:

- A) If at all possible funds will not be used for General Operations;
- B) Funds will be used for items that result in saving general operating expense;
- C) Funds will not be used for routine capital equipment;
- D) Funds could be used to match federal grants whenever possible; and
- E) Future funds from the sale of fixed assets will be placed into the Asheville-Buncombe Revitalization Fund.

Water Fund

The Water Fund operates on revenues from fees and charges, contributions from the County for some maintenance and capital improvements, federal and state grants and water bond funds approved by the residents of the City of Asheville.

The water service is the largest city departmental budget and its services extend to more customers than any other direct service.

As I mentioned earlier, one of my criterion for budgeting was that "we should seek the transfer of the expense burden of countywide activities to appropriate governing bodies on an equitable basis to the city property owners or we should pay for these services from sources other than property tax."

Therefore, because of the Sullivan Act and the unknown conclusion of a City/County water service and General Fund service agreement, I am recommending that the City Council increase water rates by 40% and transfer a portion of the revenue to the General Fund.

The 40% water rate increase recommended will generate \$1,723,800 in total annual new revenue. However, only \$1,522,115 can be used in the Fiscal 1979/80 budget because of the lag time in realizing the effect of a rate increase effective on July 1, 1979. Of this \$1,522,115 in new funds, \$513,237 has been transferred to the General Fund and the following funding for capital improvements has been provided for in the water fund:

WSIF	\$ 80,000
Capital Construction Fund	100,000
Capital Reserve	<u>752,199</u>
TOTAL	<u>\$932,199</u>

In this budget, I am assuming that the County Commissioners will continue to fund maintenance of County lines in the amount of \$400,000 annually and the WSIF Fund \$80,000 annually. In addition, I am recommending that the City Council request that the County Commissioners pay the actual cost of maintenance of County lines and pumping charges which is close to an additional \$400,000 - making the total contribution \$880,000 annually.

- 15 -

15. Only \$150,000 in the General Fund and \$150,000 from Community Development is budgeted for street resurfacing. Our best estimate for current street resurfacing needs is over \$1 million.
16. No funds have been included for changing City responsibility for drainage problems. However, the Planning Department will be initiating a study of the problem this year.
17. Most importantly, a General Fund Contingency of only \$100,000 is provided to cover any of the above items or other unforeseen requirements should they occur.

CAPITAL RESERVE AND GENERAL REVENUE SHARING FUNDS

Over the past several years, the City Council has set aside funds for capital improvement projects. Some examples of these types of appropriations are FY 1978-79:

	<u>Approximate Amount</u>
Unappropriated Sinking Fund Reserves	\$600,000
Operations Complex	\$200,000
Revenue Sharing Reserve	\$200,000
Asheville/Buncombe Revitalization Fund (\$1,000,000 Budget, \$176,500 provided)	\$176,500

Also, since the establishment of the Federal Revenue Sharing Program, we have used those funds as the primary source of funds for capital equipment and capital expense. However, each year we have used too much of the General Revenue Sharing Funds for general operating expenses instead of using the funds for one-time capital equipment and expense. The following is a schedule of the proposed use of General Revenue Sharing Funds for FY 1979-80 and other capital funds.

<u>Division/Activity</u>	<u>Capital Outlay</u>	<u>Operating Expense</u>
Administration	\$ 9,625	\$
Finance	6,495	
Aviation	35,400	12,000
Civic Center	25,850	
Public Works	320,050	
Employee Services	30,165	
Libraries		194,520
Police	101,537	700,000
Fire	58,756	
Parks and Recreation	<u>38,830</u>	<u>59,709</u>
TOTAL	<u>\$626,708</u>	<u>\$966,229</u>

5. We are not dealing adequately with our capital needs for an operations complex, fire and police, city building remodeling and/or constructing facilities and replacing major equipment.
6. The significant cuts made in training and travel, dues and subscriptions are steps backwards.

I frankly feel that we have too much government paid service and not enough neighborhood and community volunteer spirit. People don't know their neighbors, neighborhood pride and city pride are dwindling. People call the Inspections Division to settle neighborhood disputes and the Police Department to settle family arguments. I sincerely hope that we can turn this problem around in the coming years. And I sincerely hope that we can keep in mind the following ideas that I heard recently in a speech:

- 1) For every human want and problem, there cannot be a government program;
- 2) Government must do what it can, but it must not promise what it cannot do;
- 3) Government must overcome the tendency to maximize short-run, high visibility options at the expense of a long-run stable growth path;
- 4) It is not too much reality we must fear, but not enough..... It is an excess of unreality that is our greatest enemy. When we are confronted with real problems and if we do not find some real solutions, they will surely overwhelm us!

No budget is easy and no budget should be final -- it should be viewed as the general plan of activity for the year indicated -- capable of being adjusted reasonably to the unexpected, with the overall expense and revenue total or less being the acceptable management goal for the year.

Recognition is due to the Department and Division Heads for their cooperation in preparing this budget with special recognition for direct assistance in preparation and production of the budget to the Employee Services Department, Data Processing Division, Accounting Division, the Finance Department, Print Shop personnel, the Department of Administration and to the City Council for their long hours of deliberation over this budget.

Respectfully submitted,

K. M. Michalove

K. M. Michalove
City Manager

KMM/msm

Attachments

A final major change is the transfer of the expense of Bee Tree Lake to the water fund due to the potential use of that facility as a water source. If the City Council wishes to increase revenues for some water fund activities, consideration should be given to the following actions:

- 1) Seek repeal of the Sullivan Act;
- 2) Add a surcharge for pumping water; and
- 3) Add a surcharge for fire hydrants.

Exhibit E indicates some of the significant management improvement programs that have been instituted in the Water and Sewer Services Department in the past year, and I look for a continuation of this effort in the year 1979-80.

SUMMARY

The job of recommending a budget is the most difficult job the City Manager has because he has to be the one to recommend action for the City Council to take that cannot please everyone, and no one but the City Manager deals in detail with all of the parts of government - the public, the Council and the employees. The unfortunate part of the process of recommending is that my choices are not ones of "good" and "bad" activities, but ones of - what can we afford and what should we finance as City of Asheville governmental services.

The budget is balanced, but in the balancing, I have some concerns that should be considered.

1. We are still too dependent upon federal funds to support basic functions:

A. Revenue Sharing

Police Pension	\$700,000
Library	\$194,000
Basic Equipment Replacement	\$626,708

B. Community Development

Senior Opportunity Center	\$ 62,859
Support of other Senior Citizen Activities	\$ 30,000
Street Paving	\$150,000

2. Funding from the Buncombe County Commissioners:

We are very dependent upon funding several activities by the County Commissioners. If that does not materialize, we will have to seek other revenues or make further service cuts.

3. We are retaining a low cash flow amount and we have a very low contingency fund.
4. We are using \$522,349 of fund balance from FY 1978-79 to balance the General Fund budget.

DECISIONS NEEDED FROM CITY COUNCIL IN ORDER TO BALANCE THE
BUDGET FOR FISCAL YEAR 1979-80

1. Should we consider an ad valorem tax increase?

Each penny on the tax rate would increase revenues by \$67,782.
Therefore, anyone having \$50,000 in personal and real property if
5¢ were added to the tax rate, they will pay \$25.00 more in taxes.

$$\begin{array}{rcl} 97¢ & = & 485.00 \\ 1.02 & = & 510.00 \end{array}$$

2. Should we consider these fringe benefits?
- A. Annual evaluation/performance pay system and position reallocation
 - B. 5% salary adjustment July 1
 - C. State pension for General Employees to take effect January 1, 1980
 - D. An increase in retiree benefits - scale adjustment for police and general employees
3. Should we change our commercial garbage collection policy for dumpster containers to one free pick up per week and charge for all others at a standard rate including non-profit and governmental agencies?
4. Should we transfer the entire cost of pensions to the General Fund this fiscal year and charge the majority of capital equipment cost to the Revenue Sharing budget?
5. Should we eliminate the use of Revenue Sharing funds for operational costs?
6. Should we maintain a \$1 million cash flow fund?
7. Should we establish a standard street lighting program and eliminate all excessive lighting?
8. Should we hold the funding of a non-profit organization to the previous fiscal year level and not fund any new projects?
9. Should we adhere to the President's voluntary Wage Control Program?
10. Should we request the Asheville City School system to fund the School Crossing Guard Program?
11. Should we consider increasing parking penalties?
12. Should we designate special revenues to Downtown Revitalization?

CITY MANAGER'S PHILOSOPHY IN APPROACHING THE BUDGET
FOR 1979-80

EXHIBIT A

45

1. Emphasize providing management tools and improving general administration.
2. Use federal funding for one-time capital expense items to the extent allowable.
3. Move away from the dependency on federally funded positions which are critical to operations.
4. Move to rid ourselves of the dependency on Revenue Sharing funds for supporting General Fund operations.
5. Move to develop an Operations Complex.
6. Not fund any new outside programs or increase the funding for any existing programs.
7. Re-analysis of personnel needs:
 - A. Eliminate unnecessary positions
 - B. Shift labor to meet peak demands
 - C. Change some permanent positions to part-time
 - D. Consolidate some functions.
8. Maintain a Capital Reserve fund.
9. Emphasize service to the public and to the employees.
10. Reduce the cost of on and off-street equipment operations.
11. Use Revenue Sharing funds only for capital expenses one-time items same with any other windfall funds.
12. Include for future City Council decisions that resolutions be accompanied by a statement of future estimated operational cost.
13. Consider funds for all general employees to go on State Retirement system January 1, 1980.
14. Improve data processing equipment.
15. Emphasize training at all levels.
16. Emphasize inspections, audit and evaluation of City work.
17. Work toward increased County funding of programs and services which are funded wholly or in part by the City but are County-wide in scope.
18. Eliminate or charge for unequal services being provided.
19. Continue the following position/pay programs:
 - A. Annual evaluation/performance pay system and position reallocation
 - B. Salary scale adjustment July 1
20. Comply with the President's Wage Control Program.

- 3 -

20. Should the Council adopt a policy requiring that an annual operating budget be submitted with all future federal grants?
21. Should we begin an assessment for services we have previously provided for free or at a nominal cost?

- 2 -

13. Should we consider increasing the following fees:
 - A. Inspection
 - B. Zoning
 - C. Landfill
 - D. Recreation Program
 - E. User mistakes in burgular alarm systems or burgular alarm monitoring
14. Should we consider contracting all sidewalk work?
15. Should we delete pay for all board and commission members?
16. Should we consider a bond issue for constructing an operations complex and other facilities?
17. Should we consider new or increased funding from the County for the following county-wide activities?
 - A. Airport Capital Improvements
 - B. Library
 - C. Transfer Station
 - D. Board of Tax Supervision
 - E. Recreation Park
 - F. Commitment to the \$1 million dollar Capital Fund
 - G. Use of funds from the sale of the Library
 - H. Other
18. Should we consider any of the following items for additional revenues?
 - A. Increased rates at the Civic Center
 - B. Sale or lease of surplus property
 - C. Water rate increase
 - D. Charges for fire hydrants
 - E. Sewer service maintenance
 - F. Other airport revenues
 - G. Increase cost for cemetary lots
 - H. Sale of firewood off of North Fork
 - I. Sale of firewood off right-of-way
19. Should we provide special funding for the following?
 - A. Deaverview Park operations
 - B. Red Cross - Edgewood Road
 - C. Special drainage problems
 - D. A vehicle impoundment area
 - E. An historic resources commission
 - F. Smith McDowell House
 - G. The Community Arts Council
 - H. Other

PROPOSED FY 79-80 BUDGET
ASHEVILLE REVITALIZATION COMMISSION

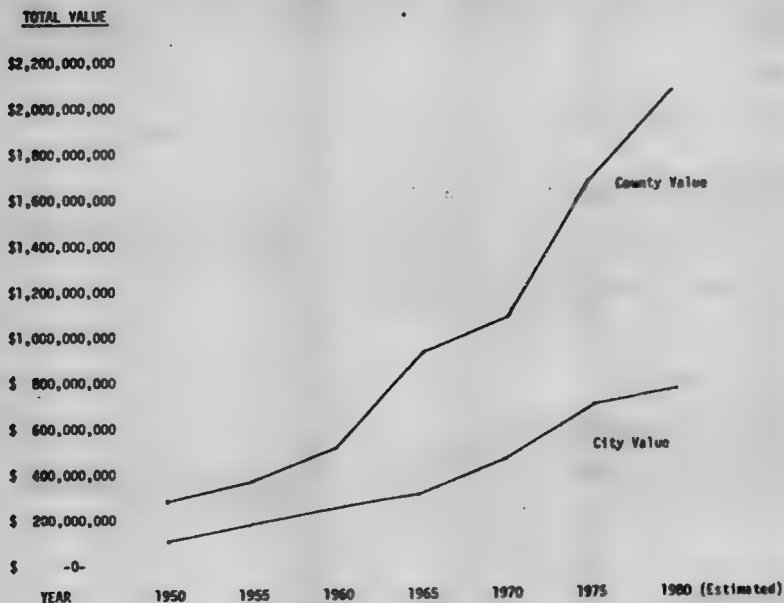
OPERATIONS

(assigned to Planning Division)

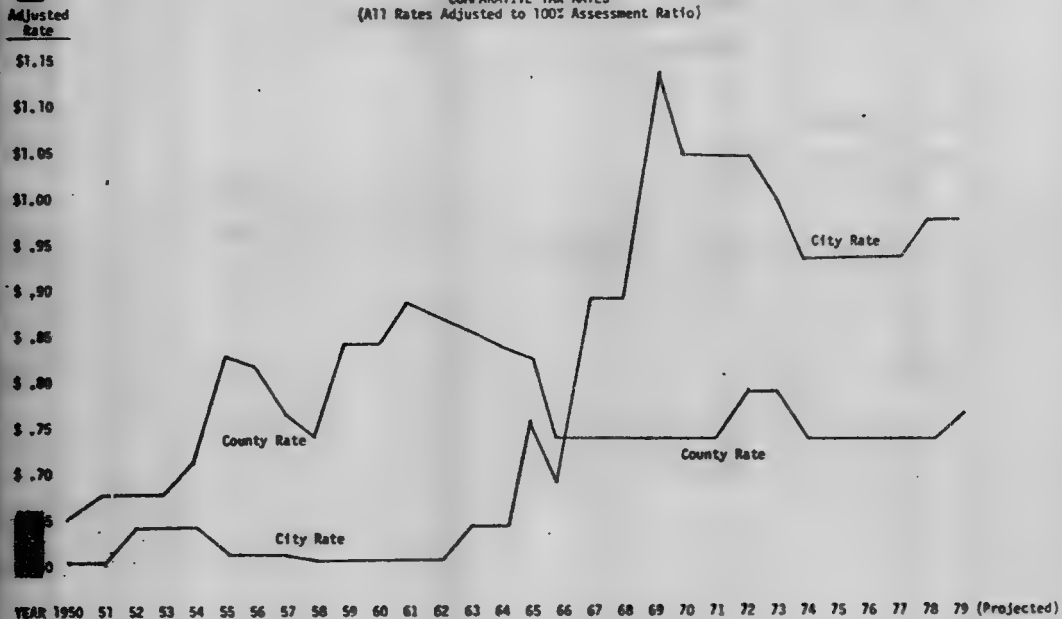
<u>Item</u>	<u>Budget</u>	<u>Funding Sources</u>
<u>Salaries and Related Expenses</u>		
Director	\$19,786	
Administrative Assistant	8,658	
Urban Designer	17,000	
Marketing Specialist	17,000*	Community Development
	62,444	Block Grant
FICA, Insurance, Travel, etc.	12,500	
Subtotal	\$74,944	
<u>Administrative Expenses</u>		
Typewriter and Related Expenses	\$ 1,100	
Stationary and Postage	500	Community Development
Graphics/Supplies	600	Block Grant
Subtotal	\$ 2,200	
<u>Public Information</u>		
Printing and Miscellaneous	\$ 1,500	
Guest Speakers	500	Community Development
Subtotal	\$ 2,000	Block Grant
<u>Economic Development</u>		
Marketing/Promotional Expenses	\$ 4,000	Community Development
		Block Grant
		Private Contributions
TOTAL	\$83,144	

* Not Funded

CITY/COUNTY
COMPARATIVE APPRAISED VALUE OF TAXABLE PROPERTY
(Adjusted to 100%)



COMPARATIVE TAX RATES
(All Rates Adjusted to 100% Assessment Ratio)



CITY OF ASHEVILLE
FISCAL 1979/80 WATER DEPARTMENT ACTIVITY HIGHLIGHTS

Expenditures for the fiscal year 1978-79 budget have been held to the extreme minimum. This along with efficient management practices, has enabled the Water Department to produce an estimated surplus of \$465,881 for the fiscal year of 1978-79.

The following is a brief list of operational changes that have resulted in increased efficiency and reduced operational expenses.

- 1) Implementation of the Duty Officer Program. This program has resulted in a reduction of overtime from 30% of the payroll to a net figure of 4%.
- 2) The Water Maintenance Division has established a two-shift concept for sewer complaint calls, resulting in a significant reduction in overtime pay.
- 3) Water Districts have been established in the City. This operational change has improved the amount of water leak from 180 to 0 in a two month period.
- 4) Personnel in Water Maintenance has been reduced from 108 in 1978-79 to 88 full-time positions for 1979-80.
- 5) The finished water delivered from the North Fork Treatment Plant has been reduced from 23.5 MGD to 21.2 MGD as of May 1, 1979. This has resulted in budget savings of approximately \$30,000 in chemicals. This has been a direct result of increased efficiency of finding and repairing water leaks.
- 6) A Flushing program was initiated during April, 1979. This is one that will be conducted on a yearly basis.
- 7) The Engineering Department completed 54 construction projects. This was above all inspection in all private development water line extensions. Forty construction projects are still under engineering review.
- 8) The Water Department has assumed all operational responsibility for water billing and collection divisions.
- 9) The Water Department has applied for eleven (11) grants through ARC for the construction of water and sewer lines.
- 10) A complete investigation of the North Fork Dam was conducted by Soil & Material Engineering Co. The report concludes that the Dam is safe and does not present a hazard to the stability or integrity of the Dam.
- 11) The Water Department is and has furnished water to all Departments in the City. This is an extra expense to the Water Department of approximately \$78,000 per year.

IMPLEMENTATION

<u>Item</u>	<u>Budget</u>	<u>Funding Sources</u>
<u>Streetscape Improvements</u>		
Urban Village Directories (a)	\$ 6,000	Local Funds
Sidewalk Paving & Widening(b)	50,000	Community Development
Trees and Landscaping (c)	15,000	UDAG
Public Sculpture (a)	5,000*	Private Donations
Street Furniture/Lamps (a)	4,000	
Subtotal	\$80,000	

[Project Responsibility]

- (a) Asheville Revitalization Commission
- (b) Street Department
- (c) Parks and Recreation Department

Special Projects

Continuation of Pack Square Project	\$122,000	Proceeds from Sale of Old Library
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Acquisition*, demolition and initial construction of Great Plaza site \$100,000*

Joint City-County Capital Improvement Funds

*Acquisition costs will be recovered or exceeded by sales of improved property

Downtown Parking District (MSD)

Acquisition and AE design	\$660,000*	Special Tax District
1) Battery Hill Facility		
2) Rankin Facility expansion		

* Not Funded

Councilman Morris requested that the City Attorney investigate the possibility of a tax credit to those businesses paying taxes who have to pay for bulk container pickup service. He said he felt this would be a move toward equity. He also suggested that more compaction units be used to allow for a once-a-week pickup.

Bill Fass, owner of five food businesses in Asheville said he would prefer a property tax increase over the proposed garbage collection fees. He said Council would be faced with people who need two pickups, but will drop down to one with the result being garbage hanging out of the dumpsters and litter flying everywhere. He said businesses would be faced with other businesses using their dumpsters, which is already a problem in the business community.

Jean Webb, Executive Director of Quality Forward, said if businesses and residents would comply with the regulations of the present Sanitation Code the dumpsters would hold more garbage and not be so full, resulting in less pickups.

Councilman Rainey encouraged businesses to be more efficient about the disposal of their garbage because the City is running out of landfill space and they would have to do more compacting. He said he still feels the user should pay for the service and on that principle he was in favor of the ordinance.

Vice-Mayor Horton said the main distinction between residential and commercial pickup is that the solid waste of businesses is generated in the process of earning income and that distinction puts the issue in a little different light.

After discussion, Councilman Morris moved to table the second reading of Ordinance No. 1102 until May 31, 1979 giving Council an opportunity to discuss the proposed ordinance further. This motion was seconded by Councilman Cole, which motion carried on a voice vote of 5-1, with Councilman Rainey voting "no."

PROCLAMATION - VIETNAM VETERANS WEEK - MAY 28, 1979

Mayor Trantham said a joint proclamation had been made by the City of Asheville and the County of Buncombe proclaiming the week of May 28, 1979 as Vietnam Veterans Week.

Mr. Charles Carpenter, Chairman of Vietnam Veterans Week, described the events to take place during Vietnam Veterans Week.

PROPOSALS BY PRIVATE GARBAGE COLLECTION FIRMS

Jerry Sternberg, President of Container Service and Disposal Company, said he has the majority of the bulk containers on lease in the City of Asheville. He offered to take over the entire commercial service in the City and contract for the service with the individual businesses. He agreed to pay a subsidy to the City and to purchase the City's equipment. He said his firm would accept applications from city employees who would be displaced by the change over. He said after notice, his firm could take over the service within thirty (30) days. He said a private firm has more advantages than a City in that the City is limited in equipment and funds and flexibility.

Councilwoman Price moved to schedule a public hearing on the City of Asheville Budget for FY 1979-80 for June 7, 1979. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1102 - ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 1102, an ordinance amending the Sanitation Code of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

George Beverly, Beverly-Hanks Associates, opposed the adoption of the proposed revision to the Sanitation Code, stating that the charge for dumpster pickup would result in about a 44% tax rate increase to his business. He said the ordinance would be unfair to business owners. He contended that the city does not limit the number of cans residents can have picked up and apartment complexes should not have limited collection. He requested that Council reconsider the proposed ordinance.

David Page, Associate Director of Memorial Mission Hospital, objecting to the ordinance, told Council that the hospital would have no choice but to pass on the cost in the form of hospital rate increases which would also result in higher hospital insurance premium rates.

Stewart Coleman, of the R. L. Coleman Company, also opposed the ordinance stating that the Asheville Mall does not have sufficient space to allow each tenant to have a dumpster, allowing for a once-a-week pickup. He said this would require 88 individual dumpsters.

Mike Young, Manager of the Doctor's Office Building, objected to the ordinance saying that it would be unfair to put the burden on commercial establishments. He requested that Council reconsider the ordinance.

Ralph Bishop, said he was opposed to charging for dumpster pickup and letting the lottery peddlers do as they please.

Martin Nesbitt, representing the Inn on the Plaza, objected to the proposed ordinance. He said it was creating discrimination between the commercial and residential garbage collection. He requested that Council reconsider the ordinance.

Max Cogburn, Jr., an attorney representing Cogburn Food chains also objected to the proposed ordinance.

Roy Robinson, President of Matthews Ford, said the proposed ordinance would result in about a 66% tax rate increase for his business. He said he was opposed to the proposed ordinance and felt a tax increase would be the proper way to balance the budget. He said the proposed ordinance was not fair and is out of proportion. He contended that the non-taxable organizations should help with the City's financial burden.

Vice-Mayor Horton noted that the \$8.00 pickup charge is comparable to what a solid waste disposal company would charge.

Verl Emrick, Planning Director, said at the April 14, 1979 meeting of the Asheville Planning and Zoning Commission, Mr. A. R. Morris, Morris Funeral Home, appeared before the Commission to request that consideration be given to permitting crematories as an ancillary use to funeral homes. After discussion, the Commission voted to recommend to City Council that the Asheville Zoning Ordinance be amended to permit crematories in conjunction with funeral homes as a Conditional Use in the Commercial Highway District.

Mr. Emrick said the W.N.C. Air Pollution Control Board requires a permit from their office for such construction of crematories. He said funeral homes are only permitted in the Commercial Highway District.

Mr. A. R. Morris, Morris Funeral Home, spoke in support of the ordinance stating there is a need for a crematory in the Buncombe County area.

J. E. Johnson, Inspections Division, said crematories are permitted uses in the N. C. State Building Code.

Mayor Trantham closed the public hearing at 5:58 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1104. This motion was seconded by Councilman Cole.

On a roll call vote of 5-1, Ordinance No. 1104 passed on first reading, with Mayor Trantham voting "no."

RESOLUTION NO. 79-107 - RESOLUTION TO INCREASE CERTAIN FEES AND CHARGES WITHIN THE PARKS AND RECREATION DEPARTMENT

7. Consideration was given to a resolution to increase certain fees and charges within the Parks and Recreation Department.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, reviewed the following proposed revised fee schedule:

<u>Facility</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
<u>Municipal Golf Course</u> weekday greens fees	\$3.00	\$4.00
<u>Aston Park Tennis Courts</u> daily	\$1 per court per 1-1/2 hours from 4p. m. until closing	\$1 per person per hour all day.
annual permit	\$15 individual; \$20 family	no permits
Community Development area	Free for all residents	Free for residents of Community Development area as established annually by City Council.

Tom Hughes, of American Refuse, also offered to take over the commercial pickup service in the City. He said his company is presently in the commercial pickup service business in Sanford and in the residential and commercial service in New Hanover. He said his firm would be willing to provide a "clean sweep program" or a "phased-in program." He said they could operate under the rates presently established for the County.

SENIOR CITIZENS - DISCUSSION RELATIVE TO USE OF VAN FOR TRANSPORTATION

Mary Louise Hammonds, representing the Senior Citizens Program said they were concerned about the transportation that is being proposed to be deleted for transportation to the Senior Opportunity Center. She said the participants at the Center need the transportation badly.

The City Manager commented that the elimination of the use of the vans was based on a proposal to make arrangements with the Asheville Transit Authority to provide free bus service to the center in lieu of operating the vans.

Several senior citizens told Council that many of them cannot get from their homes to the bus lines, regardless of whether the service is free.

After discussion, Council agreed to explore the possibility of charging a fare for transportation in the vans or coming up with some other means to get the senior citizens to and from the center.

ORDINANCE NO. 1103 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Zoning the Airport Property to HI, Heavy Industrial District)

5. Consideration was given to the second reading of Ordinance No. 1103, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended zoning the property to HI, Heavy Industrial District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1130 passed on second reading.

PUBLIC HEARING - AMENDING ZONING ORDINANCE - ALLOWING CREMATORIES

ORDINANCE NO. 1104 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

6. A public hearing was held relative to amending the Zoning Ordinance to permit crematories as an ancillary use to funeral homes.

Mayor Trantham opened the public hearing at 5:48 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

RESOLUTION NO. 79-108 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE BROOKLYN ROAD PROJECT AREA

8. Consideration was given to a resolution authorizing condemnation of property in the Brooklyn Road Project Area.

The City Manager read a letter from C. E. Vess, Jr., Coordinator of Field Services for the Housing Authority of the City of Asheville stating that they have been trying to close Parcel #5 in the Brooklyn Road Project Area by deed without success. He said it appears that condemnation may be the only practical alternative.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-108 was unanimously adopted.

Complete text of Resolution No. 79-108 will be found in Resolution Book No. 11 at page 193.

SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECT

9. Consideration was given to the approval of the sale of disposal parcels in the East Riverside Project.

The City Manager read a letter from Mr. C. E. Vess, Jr., Coordinator of Field Services, of the Housing Authority of the City of Asheville, recommending approval of the following bids for disposal parcels in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
44	Residential	\$ 2,600	\$ 2,600	T. O. McCurry
46	Residential	\$ 2,500	\$ 2,500	Theodore A. Irby
52	Commercial	\$ 40,000	\$40,000	John Fry, M.D. and Winston Payne, M.D.
95	Residential	\$ 3,000	\$ 3,600	Mr. & Mrs. Michael Tate

Vice-Mayor Horton moved for the approval of the sale of Disposal Parcels 44, 46, 52, and 95 in the East Riverside Renewal Project area as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - REVISING THE CITY OF ASHEVILLE DATA PROCESSING EQUIPMENT

10. Consideration was given to approval of a budget amendment making an appropriation for revising the City of Asheville Data Processing equipment.

The City Manager presented a budget amendment amending the City of Asheville General Capital Projects Fund budget to set up appropriate revenue and expenditure accounts to accommodate the cost of replacing the City's three minicomputers with a central system and rewriting the existing application programs so that they can be used on the new system.

57

<u>Facility</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
<u>Swimming Pools</u>		
Recreation Park/Bee Tree	All ages: 50¢ weekdays; \$1 weekends & Holidays	50¢ under 12; \$1 adults 12 and over. Every day
Malvern Hills	All ages: 50¢ weekdays; \$1 weekends & Holidays	50¢ under 12; \$1 adults 12 and over. Every day.
Walton Street	All ages: 25¢ weekdays; 50¢ weekends & Holidays	25¢ under 12; 50¢ adults 12 and over. Every day.
<u>Recreation Centers</u>		
small centers/club rooms	\$5 per hour; minimum \$15.	\$10 per hour; minimum \$25.
auditoriums/gymnasiums/ Senior Opportunity Center	\$5 per hour; minimum \$15.	\$50 minimum for non-profit agencies; Commercial rates, if any, to be established by Parks & Recreation Advisory Board.
<u>Recreation Park</u>		
picnic shelters	no charge	\$10 for 30' x 60'. \$20 for 50' x 80'.
old boathouse	no charge	\$100.
<u>Adult Craft Classes</u>	various fees	Authorize Director of Parks and Recreation to establish fees sufficient to make all adult classes self- supporting.
<u>Senior Citizens Craft Classes</u>	free	Cost of Materials only.
<u>Memorial Stadium/McCormick Field</u>	\$150 day; \$250 night.	Rates to be established by Parks and Recreation Advisory Board for all users other than Asheville Tourists Baseball, Inc.

Mr. Kisiah noted that the Parks and Recreation Advisory Board suggested that all free play at the Aston Park Tennis Courts be deleted.

After discussion, Councilwoman Price moved for the adoption of Resolution No. 79-107 by eliminating all free play at the Aston Park Tennis Courts and to charge not more than \$1.00 per person per hour. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 79-107 will be found in Resolution Book No. 11 at page 192.

The City Manager presented the following budget amendment amending the City of Asheville Fiscal 1978-79 Revenue Sharing Trust Fund budget to provide funding for septic tank repairs at the Asheville Airport.

Appropriation:

C. O. - Other \$15,000

Revenue:

Appropriated Fund Balance \$15,000

Mr. Gary Taylor, Director of Aviation, said the septic facility at the Asheville Airport is too small to accommodate the present capacity. He said they are merely using the facility with high maintenance cost to give Metropolitan Sewer Services time to install services in the Cane Creek area, at which time the Airport can connect to the service and not procure a complete new facility at the present. He said Able Septic Tank Service is presently contracted to pump and service the septic facility at the airport and they have brought to his attention that the complete sand filter trap does not function and the stagnant water violates health standards, and is creating odors and unsanitary conditions. He said to correct this default will require replacing a large quantity of special filtering sand, repairing all drain lines, and removing a wall to gain entrance for equipment and repairing same. He said bids on this work indicate a cost of \$20,000 and above, however, he said with his personnel, subcontracting equipment and purchasing sand and drain lines he could do the work for \$15,000.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of a budget amendment amending the City of Asheville General Fund Budget for Fiscal Year 1978-79 to reflect increases in various revenues and line item requirements.

HIGHLIGHTS: Appropriation:

Account Code		Increase
51-30-450-0004	Overtime	193
51-30-450-0021	Rents	2,955
51-30-450-0045	Contracted Services	2,154
51-30-450-0051	Awards and Condemnations	2,213
51-30-450-0054	Insurance	1,500
51-30-450-0074	Capital Outlay	16,615
51-30-450-0097	Contingencies	129
		<u>\$25,759</u>

Appropriation:
66-10-950 - Central System Replacement \$125,000

Revenue:
66-397-0950 - Contribution from the General Debt
Service Reserve \$125,000

Larry Fisher, Director of Finance, explained the need to replace the City's existing computer hardware. He said this recommendation is based on an internal analysis of the City's existing Data Processing facilities which identified the following weaknesses: 1) Two of the City's existing computers are over seven years old, they are worn out and unable to perform in a consistent and reliable manner; 2) The three existing minicomputers are inadequate for the City's current data processing needs and can not be enhanced to meet our current or future needs; and 3) The City's three minicomputers are inefficient. He said it is for these reasons that he recommended that the City proceed with the selection and rental of a new general purpose computer system to replace the three existing minicomputers. He said it would take from 12 to 16 months to replace the current equipment and convert the existing applications to the new equipment.

Tom Stranberg, Data Processing Director, said if the budget amendment is approved the Data Processing Division will proceed in the following manner:

- 1) Complete the informal evaluation of the equipment available on the market today and select equipment which will minimize the cost and maximize the benefits to the City
- 2) Recommend that a rental contract be signed for the selected equipment with delivery and installation scheduled as early as possible.
- 3) Begin the procedures necessary to convert the City's existing computer applications from the three minicomputers to the new equipment.
- 4) As soon as the applications are converted, tested and implemented, the maintenance contracts on the City owned equipment would be cancelled, and the equipment disposed of; and the equipment which is rented would be released.

Mr. Stranberg said when the conversion is completed, the City will have a reliable and efficient Data Processing center with equipment suitable to its current needs and easily expandable to its future needs.

After discussion, Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Morris and carried unanimously.

BUDGET AMENDMENT - FUNDING FOR SEPTIC TANK REPAIRS AT THE ASHEVILLE AIRPORT

11. Consideration was given to a motion approving a budget amendment appropriating \$15,000 in Revenue Sharing funds for septic tank improvements at the Airport.

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris the consent agenda was unanimously approved.

CLAIMS - MRS. HARRIETT HOWELL - MR. RICHARD D. TRAMMELL - MR. KEN BAKER -
JANET R. ROSS

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Mrs. Harriett Howell	Stepped on broken sidewalk, twisted ankle
F-14 Beverly Apts.	
Asheville, N. C.	

Mr. Richard D. Trammell	Water damage in basement
41 Valle Vista Drive	
Asheville, N. C.	

Mr. Ken Baker	Sewer line blockage
8 Debra Lane	
Asheville, N. C.	

Janet R. Ross	Water leak caused by air lock in line
553 New Leicester Highway	
Asheville, N. C.	

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTIONS RELATIVE TO CIVIC CENTER PRESENTED TO COUNCIL

The City Manager presented copies of two resolutions to members of Council relative to rental rate adjustments and booking policies at the Asheville Civic Center to be reviewed and considered at the May 31, 1979 meeting.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again appeared before Council relative to the lottery sales in Asheville. He asked what a Water Department truck was doing in front of a local lottery place of business.

Adjournment.

Richard D. Trammell

Marion J. McLeath

Revenues:

Account Code:

51-00-335-0450	Miscellaneous	\$4,949
51-00-348-0450	State Grants	9,610
51-00-383-0450	Sale of Fixed Assets	8,987
51-00-394-0450	Insurance Recoveries	2,213
	Total	\$25,759

- B. Resolution No. 79-109 - Resolution authorizing execution of an agreement concerning cooperation agreement for 62 public housing units in the East End/Valley Street Project.

Resolution Book No. 11 Page 194

- C. Approval of a budget amendment amending the City of Asheville Parks and Recreation fund budget for Fiscal Year 1978-79 to provide additional revenue and expenditures to allow for the purchase of majorette uniforms for use in the Hillcrest Enrichment Program.

HIGHLIGHTS: Revenue: 14-348-1092 - State Grant- Hillcrest \$438.00
Enrichment Center

Appropriation: 14-45-501-092-01XX - Hillcrest \$438.00
Enrichment Center Grant

- D. Resolution No. 79-110 - Resolution regarding the selection of an independent depository to manage the Sinking Fund Water Bond Debt Service.

Resolution Book No. 11 Page 195

- E. Resolution No. 79-111 - Resolution regarding the Land-of-Sky Regional Council advertising for bids for the Council on Aging Meal Program.

Resolution Book No. 11 Page 197

- F. Resolution No. 79-112 - Resolution of the City of Asheville City Council authorizing the City of Asheville approval of Section 312 Rehabilitation Loans.

Resolution Book No. 11 Page 198

- G. Approval of bids received May 18, 1979 for color print processing equipment for the Police Department - LEAA (Update Asheville ID)

HIGHLIGHTS: One (1) bid received.
Recommendation of acceptance of V.W.R. Scientific
in the amount of \$9,191.93.
Funding: LEAA Grant.

RESOLUTION NO. 79-114 - RESOLUTION OF APPRECIATION TO DR. LEON H. FELDMAN FOR SERVICES AS CHAIRMAN OF THE ASHEVILLE BOXING AND WRESTLING COMMISSION

4. Consideration was given to a resolution of appreciation to Dr. Leon H. Feldman for services as Chairman of the Asheville Boxing and Wrestling Commission.

The City Manager read the resolution. He said Dr. Feldman has resigned as Chairman of the Asheville Boxing and Wrestling Commission due to health reasons.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 79-114 was unanimously adopted.

Complete text of Resolution No. 79-114 will be found in Resolution Book No. 11 at page 201.

ORDINANCE NO. 1102 - AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

ORDINANCE NO. 1105 - AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

5. Consideration was given to the second reading of Ordinance No. 1102, an ordinance amending the Sanitation Code of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

The City Manager noted that Ordinance No. 1102 creates a charge of \$8.00 for each bulk container pickup per week after the first "free" pickup per week. He said this would provide a revenue of \$250,000 which is included in the proposed 1979-80 budget. He said at last week's meeting several businessmen opposed the ordinance and during the course of the week presented several recommendations for Council to consider. He said recommendations were received from Max O. Cogburn, Jr., representing Cogburn Foods; Martin L. Nesbitt, attorney representing Inn on the Plaza; and R. L. Coleman Jr., representing the R. L. Coleman Company. He said each proposal was considered. He said during a Council budget work session consideration was given to vetoing Ordinance No. 1102 and considering an ordinance whereby the City would get out of commercial pickup service all together.

Bob Wurst, Budget Director, read the following memorandum which offered amendments to the Sanitation Code in order to put into effect the City eliminating commercial pickup service as of August 1, 1979.

MEMORANDUM TO: Ken Michalove, City Manager

FROM: Clark Brown, Director of Public Works
Charlotte Hutchison, Research Analyst
Bob Wurst, Budget Director

DATE: May 31, 1979

SUBJECT: Sanitation Code Revision

63
Thursday - May 31, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 24, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the May 24, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-113 - RESOLUTION HONORING VIETNAM VETERANS AND RECOGNIZING FIVE RESIDENTS OF THE CITY OF ASHEVILLE AS THE RECIPIENTS OF THE PRESIDENTIAL CERTIFICATE FOR OUTSTANDING COMMUNITY ACHIEVEMENT OF VIETNAM ERA VETERANS

2. Consideration was given to a resolution honoring Vietnam Veterans and recognizing five residents of the City of Asheville as the recipients of the Presidential Certificate for outstanding community achievement of Vietnam Era Veterans.

The City Manager read the resolution.

Mr. Charles Carpenter, Chairman of the Vietnam Veterans Week, introduced the five residents of the City of Asheville who will receive the Presidential Certificate for outstanding community achievement of Vietnam Era Veterans. Those who were recognized were: Ronald C. Brown, William T. Decker, Joseph T. Kopper, Tony A. Walker and Alan D. Willcox.

Upon motion of Councilwoman Price, seconded by Councilman Morris, Resolution No. 79-113 was unanimously adopted.

Complete text of Resolution No. 79-113 will be found in Resolution Book No. 11 at page 200.

PROCLAMATION - PARKS AND RECREATION VOLUNTEER RECOGNITION DAY IN THE CITY OF ASHEVILLE

3. The City Manager read a proclamation proclaiming May 31, 1979 as Parks and Recreation Volunteer Recognition Day in the City of Asheville.

Mayor Trantham proclaimed May 31, 1979 as Parks and Recreation Volunteer Recognition Day in the City of Asheville.

The City Manager presented statistics which revealed that the City has been servicing 85,000 commercial pickups per year, of which 12,170 were from non-profit and governmental organizations which do not pay for the services.

Mayor Trantham noted that according to law, the City cannot charge non-profit organizations without charging all commercial establishments.

Councilman Michael requested a cost estimate of servicing the Housing Authority.

R. L. Coleman, Jr., representing the R. L. Coleman Company, opposed the proposed amendments. He said this elimination approach would not allow his company to apply to the City for any pickups. He said the City could operate at the same level of service and increase the tax rate by 3-1/2¢ to provide an increase in revenue. He said it appears that Council is singling out businesses to bear the burden rather than spreading it out over the City. He said the proposed amendments are very unfair. He said if the City gets out of the garbage business on August 1st it allows the private collection firms to come in and rip businesses off.

Martin Nesbitt, attorney representing the Inn on the Plaza, also opposed the proposed amendments. He said there's got to be another solution, with an alternative providing a fairer way to handle this matter. He said he would donate his time to look for a workable solution. He said under the proposed amendments, businesses would be forced to leaving garbage on their lot.

Mike Young, representing the Doctor's Office Building, also opposed the proposed amendments. He said he would favor a tax rate increase rather than the changes. He said if the amendments are adopted the charges for the services would be passed on to those who cannot afford it.

Max Cogburn, Jr., representing Cogburn Foods, opposed the City getting out of the garbage business. He said there is a need to work out an approach to keep the services by the City.

Bretney Smith, said he operates five laundry and dry cleaning businesses. He asked how the private contractors will be controlled on the charges for the services.

Mayor Trantham said the private collection firms would probably work on a competitive basis, however, Council would be considering several alternatives in the next two weeks.

Jerry Sternberg, President of Container Service and Disposal Company, said he made a proposal to the City at last week's meeting. He said his charges would be comparable with what county customers are charged and his company would deal with three year contracts stating that the only time the rates would be raised is when a countywide rate increase occurs. He said his firm could be in business within sixty (60) days. He said he has enough stand-by equipment to do the job until they can order the equipment.

The Sanitation Code amendments to be presented to Council on May 31, 1979, provide for the following changes:

Residential Pickup:

Limit all pickups including residential to six approved refuse receptacles per week plus occasional extra accumulations of yard trash, cardboard boxes, brush, etc.

Commercial Pickup:

- (1) Eliminate bulk container service provided by City on August 1, 1979. This will result in an annual savings to the City of at least \$250,000, the effect of which is included in the Fiscal 1979-80 budget which has been presented to Council and which includes the assumption that apartments are classed as commercial. The effect of operating the service from July 1 through August 1 is not included in the budget estimates; however, this extra cost can be recovered through the sale of the City equipment.
- (2) Eliminate daily commercial hand pickup service. This change would reduce commercial service to the same level as residential service (six containers serviced once per week). Presently commercial establishments are getting up to five pickups of six receptacles per week, up to 960 gallons of refuse. If the Council reduces this to one pickup per week, the capacity would be 540 gallons using rollout service. This service reduction was not included in the Fiscal 1979-80 budget estimates presented to Council and would result in a savings to the City of \$55,000 not including capital outlay.

Apartment Complexes:

Presently most apartment complexes use bulk containers. If apartments are classed by Council as commercial establishments, they will be required to seek private bulk pickup service on August 1. Each complex will be entitled to six containers serviced by the City once per week. If Council wishes to class apartments as residential units, each unit will be entitled to residential service of six containers per week. The annual cost of providing this service could be as much as \$68,000 which is not included in the Fiscal 1979-80 budget estimates.

Mr. Wurst said the staff has prepared two ordinances for Council to consider in order to approach apartment complexes. He said Council should decide which way to approach apartment complexes.

The City Manager suggested that Council deal with Ordinance No. 1102 before considering another amendment.

Councilman Rainey moved to table Ordinance No. 1102. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1104 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Permitting Crematories

7. Consideration was given to the second reading of Ordinance No. 1104, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville," as amended permitting crematories in conjunction with funeral homes as a Conditional Use in the Commercial Highway District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1104 passed on second reading.

RESOLUTION NO. 79-115 - RESOLUTION ADJUSTING RENTAL RATE STRUCTURE FOR THE ASHEVILLE CIVIC CENTER FACILITIES

8. Consideration was given to a resolution adjusting rental rate structure for the Asheville Civic Center Facilities.

The City Manager read the resolution and explained that the Asheville Area Civic Center Commission reviewed the rates and recommended adjustment.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-115 was unanimously adopted.

Complete text of Resolution No. 79-115 will be found in Resolution Book No. 11 at page 202.

RESOLUTION NO. 79-116- RESOLUTION AMENDING RESOLUTION NO. 76-170 AND RESOLUTION NO. 73-44 ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

9. Consideration was given to a resolution amending Resolution No. 76-170 and Resolution No. 73-44 establishing regulations for the operation of the Asheville Civic Center.

The City Manager read the resolution and explained that the Asheville Area Civic Center Commission has recommended certain regulations be amended for the administration of the Civic Center relative to booking policies to avoid a time-wise interference that would not be in the best interests of the lessee or the City. He said this resolution would establish such regulations.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 79-116 was unanimously adopted.

Complete text of Resolution No. 79-116 will be found in Resolution Book No. 11 at page 205.

57

Joe Eskridge, representing Browning and Ferris Industries, Inc. said his company is one of the largest in the world and is interested in the collection business in Asheville. He presented Council with an annual report of his firm. He said his company would charge comparable rates. He said rates would be better through competitive bidding. He said the private sector could offer the employees more benefits.

Mr. Browning Hyder, of Hyder Waste Container Service, also expressed an interest in doing business in the Asheville area.

John Stevens, representing Lums and businesses on Tunnel Road, protested the proposed amendments. He said more study should be done before any decisions are made.

After discussion, Councilman Rainey moved that the City divest itself of garbage collection by machine for commercial and pickup service. This motion was seconded by Councilwoman Price.

The City Manager said Councilman Rainey's motion would be incorporated in the proposed ordinance to be considered.

Councilman Rainey and Councilwoman Price then withdrew their motion.

Bob Wurst, Budget Officer, read the proposed ordinance. He said this ordinance would entitle any residence or establishment which utilizes six or fewer garbage cans to one free pickup of those cans per week. But any individual or establishment which requires a dumpster or more than six cans, would have to contract with a private firm for garbage pickup.

Councilman Rainey moved for the adoption of Ordinance No. 1105. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1105 passed on first reading.

Vice-Mayor Horton said he felt some consideration should be given to the school system. He said he would not like to drop an extra \$32,000 budget item on their school budget at this point in time.

ORDINANCE NO. 1103 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Airport Property)

6. Consideration was given to the third reading of Ordinance No. 1103, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, zoning the airport property to HI, Heavy Industrial District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1103 passed on third and final reading.

Complete text of Ordinance No. 1103 will be found in Ordinance Book No.

8 at page 343.

170

We, therefore, certify that pursuant to such tabulation we have judicially determined that:

FOR MEMBERS OF CIVIL SERVICE BOARD

John Best, having received 246 votes

Raymond B. Stepp, having received 226 votes

and being the two highest and being qualified voters of the City of Asheville, not employed by the City, and have been duly elected members of the Civil Service Board by employees in the Classified Service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance

355 of the City of Asheville, for a term of two years.

[Signature]
[Signature]
[Signature]

BOARD OF CANVASSERS

The City Manager said the Civil Service Board members met on May 31, 1979 and voted to elect Sister Mary Veronica Schumacher as the fifth member to the Civil Service Board.

ORDINANCE NO. 1106 - AN ORDINANCE TO AMEND ORDINANCE NO. 965 ESTABLISHING A GRIEVANCE PROCEDURE FOR EMPLOYEES OF THE CITY OF ASHEVILLE

12. Consideration was given to an ordinance to amend Ordinance No. 965 establishing a grievance procedure for employees of the City of Asheville.

The City Manager read the ordinance and explained that the provisions for employee appeal to the Asheville Civil Service Board were changed by action of the 1977 General Assembly and the City desires to make the provisions of the City of Asheville Employee Grievance Procedure to be consistent with the current provisions of the Asheville Civil Service Law.

Councilman Cole moved for the adoption of Ordinance No. 1106. This motion was seconded by Councilwoman Price,

69

RESOLUTION NO. 79-117 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH
PIEDMONT AVIATION, INC. AT THE ASHEVILLE AIRPORT

10. Consideration was given to a resolution authorizing the Mayor to sign an agreement with Piedmont Aviation, Inc. at the Asheville Airport.

The City Manager read the resolution and explained that Piedmont Aviation, Inc. proposes to lease a second tract of land to be used for underground fuel storage and the tanks, pumps, and equipment on this tract of land is owned by United Airlines. He said Piedmont will purchase from United Airlines said equipment and Piedmont agrees to lease the tract of land from the City of Asheville.

Gary Taylor, Director of Aviation, reviewed the rates for leasing other tank farms at other airports.

Councilman Cole moved for the adoption of Resolution No. 79-117. This motion was seconded by Councilman Rainey.

Councilman Michael said he did not agree with leasing the tank farm until 1986. He moved that the lease be amended to a five (5) year lease. This motion died for a lack of a second.

On a voice vote, Resolution No. 79-117 was adopted, with Councilman Michael voting "no."

Complete text of Resolution No. 79-117 will be found in Resolution Book No. 11 at page 206.

CERTIFICATION OF RESULTS OF CIVIL SERVICE BOARD ELECTION

11. The City Manager presented the following certification of the results of the Civil Service Board election held on May 25, 1979.

We, the undersigned Board of Canvassers, do hereby certify that we met in the City Hall on May 26, 1979, and did canvass the original returns of the Superintendents of Election of the votes cast for members of the Civil Service Board by employees of the classified service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance No. 355 of the City of Asheville, and the following is a true and correct tabulation thereof.

<u>CANDIDATES FOR MEMBERS OF CIVIL SERVICE BOARD</u>	<u>CITY HALL BUILDING</u>	<u>MUNICIPAL BUILDING</u>	<u>VALLEY STREET</u>	<u>TOTALS</u>
<u>John Best</u>	<u>84</u>	<u>84</u>	<u>18</u>	<u>246</u>
<u>James Francis Coughton Jr.</u>	<u>21</u>	<u>39</u>	<u>42</u>	<u>102</u>
<u>James E. Fitzlanger</u>	<u>51</u>	<u>103</u>	<u>51</u>	<u>205</u>
<u>George Grogg Jr.</u>	<u>54</u>	<u>14</u>	<u>82</u>	<u>150</u>
<u>D.R. Nick Nicholson</u>	<u>8</u>	<u>7</u>	<u>18</u>	<u>33</u>
<u>Raymond B. Stopp</u>	<u>14</u>	<u>106</u>	<u>46</u>	<u>226</u>
<u>Carl Johnson</u>			<u>2</u>	<u>2</u>

Councilwoman Price moved to accept the bid of N. C. Equipment Company in the amount of \$72,200 for the street sweeper for the Street Department. This motion was seconded by Vice-Mayor Horton and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

15. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-119 - Resolution authorizing the Director of Aviation to sign an agreement with the Federal Aviation Administration for VASI-4 Electric Power.

HIGHLIGHTS: In compliance with the Runway Extension Project, a new landing air (VASI-4) will be installed on Runway 34 and the rearrangement of the present VASI-12 on Runway 16. The VASI-12 was installed and maintained by FAA. The VASI-4 will be installed by contract and this agreement is for FAA to provide power on a reimbursable basis. The cost of power and 10% administrative overhead will total approximately \$1,100 per year. This is a requirement by FAA in compliance with full instrument runway at the Asheville Airport.

Resolution Book No. 11 Page 208

- B. Resolution No. 79-120 - Resolution appointing member to the Asheville Area Civic Center Commission.

HIGHLIGHTS: Ms. Carolyn Thompson will be appointed a member of the Asheville Area Civic Center Commission.

Resolution Book No. 11 Page 209

- C. Appointment by the Mayor, a member of the Housing Authority of the City of Asheville.

HIGHLIGHTS: Mayor appointed Mr. Jesse Ray, Sr. as a Commissioner to the Housing Authority of the City of Asheville.

- D. Resolution No. 79-121 - Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling houses known as 266 South Beaumont Street, 17 Hamilton Street, and 37 Magnolia Avenue for June 28, 1979.

Resolution Book No. 11 Page 210

On a roll call vote of 7-0, Ordinance No. 1106 passed on first reading.

Councilman Michael moved to suspend the rules and proceed to the second reading of Ordinance No. 1106. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1106 passed on second reading.

Councilman Michael moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1106. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1106 passed on third and final reading.

Complete text of Ordinance No. 1106 will be found in Ordinance Book No.

8 at page 347.

RESOLUTION NO. 79-118 - RESOLUTION SUPPORTING AN INTERCHANGE AT INTERSTATE 40 AND U. S. 25A (SWEETEN CREEK ROAD)

13. Consideration was given to a resolution supporting an interchange at Interstate 40 and U. S. 25A (Sweeten Creek Road).

The City Manager read the resolution. The Asheville Urban Area Transportation Advisory Committee reviewed an interchange at I-40 and U. S. 25A and has recommended this interchange to eliminate a substantial amount of congestion in the Biltmore Village area generated by heavy trucks and tractor trailers. This interchange will also provide for access to the shopping areas along U. S. 70 and U. S. 74 by utilizing I-40 and I-240 and would also increase the overall capacity for traffic coming from the south. It is felt this interchange is of vital importance to the local transportation system in Asheville.

Upon motion of Councilman Rainey, seconded by Councilman Cole, Resolution No. 79-118 was unanimously adopted.

Complete text of Resolution No. 79-118 will be found in Resolution Book

No. 11 at page 207.

BIDS - ONE (1) 10-YARD VACUUM TYPE STREET SWEEPER -ASHEVILLE STREET DEPARTMENT

14. Consideration was given to bids received May 25, 1979 for one (1) 10-yard vacuum type street sweeper complete with tilt cab and chassis for the Asheville Street Department.

The City Manager presented the bids stating that only one (1) bid was received and it has been recommended that Council accept the bid received from N. C. Equipment Company in the amount of \$72,200.

Clark Brown, Director of Public Works, said about 14 months ago the street sweeper was included in the budget at an estimated \$65,000. He said since that time a safety factor was added. He said due to the added feature and inflation the street sweeper increased to \$72,500. He said this amount was anticipated, therefore, a capital outlay reserve was held in the amount of \$14,500 for the overlay in this equipment and for other equipment now out for bids.

RESOLUTION NO. 79-125 - RESOLUTION ENDORSING THE AREAWIDE ACTION PROGRAM UPDATE FOR FISCAL YEAR 1979-80

18. Consideration was given to a resolution endorsing the Areawide Action Program Update for Fiscal Year 1979-80.

The City Manager read the resolution. The local units of government comprising the Land-of-Sky Regional Council have become increasingly aware of the need for long range capital improvement planning and to adequately provide for a rational decision-making process for major capital outlay within Region B. The Regional Council has prepared an update of the Areawide Action Plan which was initiated in 1977 and the update reflects the needs identified by the City of Asheville.

Upon motion of Councilman Rainey, seconded by Vice-Mayor Horton, Resolution No. 79-125 was unanimously adopted.

Complete text of Resolution No. 79-125 will be found in Resolution Book No. 11 at page 215.

Upon inquiry of Councilwoman Price relative to the status of the Land-of-Sky Car Pooling Program, the City Manager said it was his understanding the program has been started.

CLAIMS - MR. JOE E. YOUNG

19. The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individual has a claim against the City of Asheville for damage:

Mr. Joe E. Young
2 Lynnwood Road
Asheville, N. C.

Damage to property by reason flooding-\$902.60

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

AIR SAFETY AWARD FOR 1978 - RECEIVED FROM SOUTHEASTERN AIRPORT MANAGERS' ASSOCIATION

The City Manager presented an Air Safety Award for 1978 which was awarded to the Asheville Airport from the Southeastern Airport Managers' Association.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop, again spoke to Council relative to lottery sales in the City of Asheville.

Adjournment.

MAYOR

CITY CLERK

- E. Resolution No. 79-122 - Resolution appointing Councilman F. Jack Cole to the Asheville Policemen's Pension and Disability Board of Trustees.

HIGHLIGHTS: Due to legislation passed in April, 1979 it is necessary to reappoint Councilman Cole to the Policemen's Pension and Disability Board of Trustees.

Resolution Book No. 11 Page 212.

- F. Resolution No. 79-123 - Resolution authorizing the Mayor to execute a Memorandum of Agreement with the North Carolina Division of Archives and History and Buncombe County for Phase II of the Buncombe County Historic Properties Inventory.

HIGHLIGHTS: Phase II will include publication of the historic properties inventory, development of a comprehensive community preservation plan, and the writing of the National Register nominations. The City of Asheville will provide a \$1,000 cash match and \$500 as in-kind services.

Resolution Book No. 11 Page 213.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

DEMOLITION OF HOUSES IN THE REDEVELOPMENT AREA - COMMENT BY COUNCILMAN MICHAEL

16. Councilman Michael commented that he felt Community Development funds should be used for the demolition of houses in the Redevelopment area, rather than the City funds being used. Councilman Michael was referring to the motion passed scheduling a public hearing on the demolition of 266 South Beaumont Street.

RESOLUTION NO. 79-124 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE

17. Consideration was given to a resolution appointing Mr. Steve Mitchell as a member to the Planning and Zoning Commission for the City of Asheville.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 79-124 was unanimously adopted.

Complete text of Resolution No. 79-124 will be found in Resolution Book No. 11 at page 124.

Clark Brown, Director of Public Works, read the following memorandum which states the major changes in the proposed Sanitation Code Amendment compared to the provisions in the present code.

MEMORANDUM TO: Mayor Trantham and Members of City Council

FROM: T. C. Brown *TCS*
Director of Public Works

DATE: June 7, 1979

SUBJECT: Major Changes in the proposed Sanitation Code Amendment compared to the provisions in the present code.

Effect by activity:

1. Commercial.

(a) Bulk Container Refuse Collection.

After August 1, 1979 the City of Asheville will no longer provide bulk container refuse collection.

The major change regarding this service is that the present provisions of the Sanitation Code allow the City to service this type of container on an "as needed" basis by the user while the proposed amendment completely eliminates the service.

(b) Hand Receptacle (Manual) Commercial Refuse Collection

The change regarding this service is that the present provisions of the Sanitation Code allow the City to service up to a limit of six approved refuse receptacles (cans, plastic or paper bags or cardboard boxes used to contain other cardboard boxes) or four rollout containers on an "as needed" basis by the user while the proposed amendment restricts this service to only once per week per establishment but increases the limit placed on the receptacles by increasing the limit for rollout containers from four to six per collection while the limit on other types of approved receptacles as defined in the ordinance remains at six.

The effect of these proposed changes will be that those persons using bulk containers as defined in the ordinance will be required to seek this service from the private sector. It appears that enough interest has been shown by the private sector to provide this service that it will be on a competitive basis.

Those persons that require Hand Receptacle service more than once per

75

Thursday - June 7, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 31, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the May 31, 1979 meeting were approved as submitted.

PROCLAMATION - "BURGLARY PREVENTION MONTH" - JUNE, 1979

The City Manager read a proclamation proclaiming the month of June, 1979 as "Burglary Prevention Month."

Mayor Trantham proclaimed the month of June, 1979 as "Burglary Prevention Month."

Sgt. Miles Webb of the Asheville Police Department said the Police Department will be showing slides on tips for preventing burglary on WLOS and Cable TV during the month of June, 1979. He said 25,000 brochures showing the tips have also been distributed.

RECOGNITION OF FIRE CADETS - ANITA REYNOLDS - BILLY C. LITTLEJOHN

2. Mayor Trantham and Fire Chief Powell Ball recognized Anita Reynolds and Billy C. Littlejohn for completing their training. Both were presented with certificates.

ORDINANCE NO. 1105 - AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

3. Consideration was given to the second reading of Ordinance No. 1105, an ordinance amending the Sanitation Code of the City of Asheville.

Mayor Trantham said this ordinance would entitle any residence or establishment which utilizes six or fewer garbage cans to one free pickup of those cans per week, but any individual or establishment which requires a dumpster or more than six cans, would have to contract with a private firm for garbage pickup. He said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Upon inquiry of Councilman Cole, it was noted that more garbage storage could be a fire problem as well as a problem with health standards. However, Mr. Brown said the restaurants and food chains would have to meet health regulations.

Councilman Michael said the sale of the city garbage trucks and equipment should be limited to licensed refuse haulers.

Charles Collins of Carpet Services Company on Flint Street opposed the City getting out of the commercial pickup service. He said he would rather pay the City for the services. He said he had already been solicited by a private refuse hauler for a three (3) year contract at a cost of \$56.00 per month. He asked the Council to reconsider the proposal.

The City Manager said as soon as the Council passes the ordinance on third reading letters would be sent to all of the city's garbage customers explaining the ordinance and possible alternatives for collection after August 1, 1979. He said enough interest has been shown by the private haulers to assure sufficient competition.

Mr. Whitaker of Skyland Refuse expressed an interest in the City's commercial pickup service.

Duffy Reints, owner of two restaurants in Asheville, King of the Roads, opposed the recommendations. He said he was also opposed to the Council's constant erosion and lessening of city services. He proposed an "Asheville-based budget" for the money that comes into the city to be used only for city residents and businesses. He said Council should work towards making the budget only benefit Asheville, to make it the most attractive city it can be.

Councilman Morris noted that one of the major problems is that the city finances so many services for the county without the county participating on a fair share basis in these services. He said the city does not want to cut city services just because they also happen to be available to the county residents. He suggested that the citizens of Asheville ask the county commissioners to do their fair share in these services.

Vice-Mayor Horton said Council has been trying to get the county commissioners to realize that the citizens of Asheville are also citizens of Buncombe County.

The City Manager noted that the property taxes barely pay for police and fire protection and hardly touches public works. He said that's why there's erosion in public works services.

Councilman Rainey said the collection of commercial garbage costs more than what the city receives from taxes on commercial establishments.

Bob Wurst, Budget Director, presented a schedule which showed the general relationship between garbage service and taxes paid. He said the statistics illustrate that while the individual commercial tax bill may be higher than the residential tax bill, it is basically a myth that the commercial tax dollar supports residential services. He said the total taxes paid by the residential taxpayer exceeds that paid by the commercial taxpayer.

TO: Mayor Tranthan and Members of City Council

PAGE

1

SUBJECT: Major Changes in the proposed Sanitation Code.

week will be required to seek this service from the private sector. As is the case in bulk container service, it appears that enough interest has been shown by the private sector to provide this service on a competitive basis.

2. Apartments.

In the proposed amendment, apartments have been defined as commercial establishments.

Those apartment complexes that use bulk container refuse collection have had this service provided by the City on an "as needed" basis. Under the provisions of the proposed amendment, this service would be entirely eliminated.

Those apartment complexes that use Hand Receptacle (Manual) service would be limited to collection only once per week with the per collection limit of six refuse receptacles applying to the apartment complex and not to each apartment unit in the complex.

The effect of this change would be the same as for every other commercial establishment.

3. Residential.

The only change for residential refuse collection would be that the six refuse receptacle limit placed on commercial collections now applies to residences except for additional occasional containerized accumulations of leaves, brush, yard trash, grass clippings, etc.

The provisions of the present ordinance does not place a limit on residential refuse receptacles per collection.

Residential refuse collection remains at once per week per residence.

The proposed amendment provides for a service for up to the limit of six refuse receptacles to be provided by the City of Asheville regardless of whether the user is residential or commercial.

The present ordinance provides that Hand Receptacle service will not be provided to those persons that have bulk container service.

cc: Ken Michalove, City Manager
S. L. McHone, Jr., Sanitation Superintendent
Bob Wurst, Budget Officer

TCB/jm

"In order for us to determine how these cuts could and should be made, we would like you to be prepared to present your budget reduction ideas to us at the public hearing on June 7, 1979 at 3:00 P. M. in the City Council Chambers."

"In considering your cut recommendations, please be in a position to give us an exact amount of the dollar reductions that could be made as well as what effect those reductions would have on your particular services. For example, if you could cut a position, what does that position mean to your operations and services?"

Very truly yours,
/s/ Roy

Roy M. Trantham
Mayor

In response to the Mayor's letter the following individuals representing their agency made presentations to Council relative to their budget for 1979-80.

Mr. Morris McGough, Director of the WNC Development Association.
(Recommended no cut in budget for 1979-80)

Mr. James Ellis, Executive Director of the Asheville Area Chamber of Commerce.
(Recommended no cut in budget for 1979-80)

Mr. Dave Bossard, Buncombe County Rescue Squad
(Recommended no cut in budget for 1979-80)

Mr. George Gragg, Executive Director of the Asheville-Buncombe County Community Relations Council.
(Presented budget for 1979-80 with a 9.62% decrease)

Mr. Bob Bucholtz, Chairman of Quality Forward
(Presented budget for 1979-80 with a 24% decrease)

Mrs. Roy Rogers, spoke in favor of not cutting the Nutrition Program budget for 1979-80.

Mr. Ronald Boone, Executive Director of WNC Air Pollution Control Board
(Recommended increase in city heating inspection fees to decrease the budget)

Ms. Mary Alice Young, Director of the Art Museum
(Recommended no cut in budget for 1979-80)

Ralph Bishop spoke in opposition to the proposed ordinance.

William Fass, owner of the Kentucky Fried Chicken establishments in Asheville, urged Council to be expedient in its decision on the garbage ordinance so the business people will know and can begin making arrangements for private collection.

On a roll call vote of 7-0, Ordinance No. 1105 passed on second reading.

Councilman Morris moved to amend Ordinance No. 1105 to provide for four (4) roll out containers instead of the proposed six (6) roll out containers. This motion was seconded by Councilman Rainey.

After discussion, Councilman Morris and Councilman Rainey withdrew their motion.

Councilwoman Price then moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1105. This motion was seconded by Councilman Cole, which motion carried on a voice vote of 4-3, with Councilwoman Price, Councilmen Michael, Morris and Cole voting "aye" and Mayor Trantham, Vice-Mayor Horton and Councilman Rainey voting "no."

On a roll call vote of 7-0, Ordinance No. 1105 passed on third and final reading.

Complete text of Ordinance No. 1105 will be found in Ordinance Book No. 8 at page 346.

PUBLIC HEARING - CITY OF ASHEVILLE BUDGET FOR FISCAL 1979-80

ORDINANCE NO. 1107 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1979-80

4. A public hearing was held relative to the City of Asheville Budget for Fiscal 1979-80.

Mayor Trantham opened the public hearing at 4:28 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

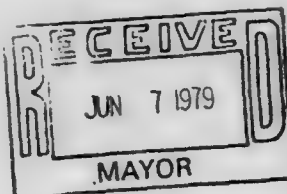
The City Manager said the following letter was sent to several non-profit organizations:

June 1, 1979

"This year is an extremely difficult year to budget funds for City services and outside agencies. On May 24, 1979, the City Manager submitted to us his budget recommendations. These recommendations called for some severe cuts in direct City services and a gross reduction in funding to outside agencies from \$152,357 to \$104,042."

Verl Emrick, Planning Director, reviewed the recommended regulations for bars, nightclubs, and private clubs within the City. He said the amendments would deal with Commercial Regional, Commercial Service, Commercial General, Commercial Highway, and Office Institutional Districts. He said the amendments also contain standards to be used by the Board of Adjustments in determining the location and sites for bars, nightclubs and private clubs. He said these establishments will be Conditional Uses which require the approval by the Board of Adjustments. He said the Board has the power to decrease restrictions if it is found there is indeed a hardship involved.

Vice-Mayor Horton said he feels strongly that the 250' distance between such establishments and churches and schools, outside the downtown area, is inadequate. He then read the following letter to be included in the minutes:



38 CARLTON PLACE
ASHEVILLE, N. C.
JUNE 6, 1979

HONORABLE MR. ROY TRANTHAM
MAYOR, CITY OF ASHEVILLE
ASHEVILLE, N. C.

DEAR ROY:

PER MR. BILL HORTON'S REQUEST, THE ASHEVILLE CITY SCHOOL BOARD HAS DISCUSSED THE ZONING ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS WHO SALE ALCHOLIC BEVERAGES TO BE A CERTAIN DISTANCE FROM SCHOOLS OR CHURCHES. THE ASHEVILLE CITY SCHOOL BOARD WOULD LIKE TO RECOMMEND TO THE CITY COUNCIL THAT THE PROPOSED ZONING ORDINANCE REQUIRE A MINIMUM DISTANCE OF NOT LESS THAN 500 FEET BETWEEN SCHOOL AND THE BUSINESS ESTABLISHMENTS. WE FEEL THAT THIS DISTANCE WOULD PROVIDE SAFETY FOR THE STUDENTS, CLEANLINESS OF THE SCHOOL PROPERTY AND A GENERAL "WELCOME" ENVIRONMENT FOR THE STUDENTS, TEACHERS, AND PARENTS.

IN MAKING THIS RECOMMENDATION, THE SCHOOL BOARD REALIZES THAT OUR RESPONSIBILITY TO THE STUDENTS IN THIS MATTER IS TO MAKE THE ENVIRONMENT IN WHICH THE STUDENT LEARNS AS CONDUCTIVE TO LEARNING AS POSSIBLE. THEREFORE, WE URGE THE CITY COUNCIL TO CONSIDER OUR RECOMMENDATION VERY CAREFULLY.

THANK YOU FOR YOUR CONCERN IN THIS MATTER AND THE OPPORTUNITY OF HAVING SOME INPUT TO YOUR DECISION. PLEASE CALL IF WE CAN BE OF ANY FURTHER ASSISTANCE IN THIS OR OTHER MATTERS AFFECTING THE STUDENTS OF THE ASHEVILLE CITY SCHOOLS.

SINCERELY YOURS,

Everette
EVERETTE W. CLARK
CHAIRMAN, ASHEVILLE
SCHOOL BOARD

Sofia Dixon spoke in support of the opening of the Shiloh Community Center as scheduled.

Greg Lassiter of the Accounting Division, spoke in opposition to the elimination of educational reimbursement for city employees. He said, for most, this is a valuable fringe benefit.

Barbara Davis, who said she worked for the Legal Aid Society for the Buncombe County Bar Association, spoke in opposition to the proposed 40% increase in water rates.

Mr. H. C. Wilson, minister for the Brown Temple CME Church spoke in support of keeping the transportation for senior citizens.

Councilman Rainey was excused from the meeting at 6:20 p. m.

Mayor Trantham closed the public hearing at 6:23 p. m.

Vice-Mayor Horton was excused from the meeting at 6:25 p. m.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 1107. This motion was seconded by Councilman Michael.

On a roll call vote of 5-0, Ordinance No. 1107 passed on first reading.

ORDINANCE NO. 1104 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. Consideration was given to the third reading of Ordinance No. 1104, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended permitting crematories in conjunction with funeral homes as a Conditional Use in the Commercial Highway District.

The City Manager said he had received a request to postpone the third reading of Ordinance No. 1104 and after a poll of Council it was the consensus of Council to postpone the third reading.

Councilman Cole moved to postpone the third reading of Ordinance No. 1104 until June 21, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

Vice-Mayor Horton returned to the meeting at 6:30 p. m.

ORDINANCE NO. 1108 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Regulations of Nightclubs, bars, and private clubs)

6. Consideration was given to an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended regulating bars and nightclubs in the City of Asheville.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PUBLIC HEARING SCHEDULED - INCREASING WATER RATES

9. Councilwoman Price moved to schedule a public hearing for June 14, 1979 to consider an ordinance increasing water rates. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE PRESENTED TO COUNCIL - ESTABLISHMENT OF HISTORIC RESOURCES COMMISSION

10. The City Manager presented members of Council with the proposed ordinance establishing the Historic Resources Commission in preparation for the public hearing relative to same on June 14, 1979.

R. D. ROBINSON AND LEE SMITH - COMPLAINT RE: SOUTH FRENCH BROAD STREET CONDITIONS

11. Mr. R. D. Robinson and Mr. Lee Smith complained of the street conditions on South French Board south of Livingston Street. They said it has been torn up for eight (8) months and they have been requesting that it be repaired but to no avail. They said the street is torn up in front of their church and when it rains everyone must wade in mud to get into the church. They also said the turnaround in front of the church is not sufficient to handle the members of the church or funerals.

Mayor Trantham said he would have the matter investigated to see if something could be done.

MICHAEL BLANKENSHIP - PETITION - ORGANIZATION OF MANUSCRIPT OF THE LATE DR. J. A. SONDELEY

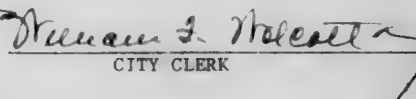
12. Michael Blankenship presented a petition to Council requesting funds for him to organize the late Dr. J. A. Sondley's as yet unpublished three and one-half million word manuscript "The Conquest and Development of North Carolina" and to organize its subject matter into form whereby it can be totally and orderly transcribed. He said he had presented the same petition to the County Commissioners on June 5, 1979. He said he needed an answer relative to the petition by July 6, 1979.

COUNCILMAN MICHAEL - REQUEST FOR HUD CODE REGULATIONS

13. Councilman Michael requested the City Manager to write to HUD for a copy of their regulations as far as code standards are concerned applicable to the City of Asheville as well as a comparison of their standards with the standards that have been submitted to HUD from the City of Asheville. He said he felt this would help individuals in obtaining grants to rehabilitate their houses from the Asheville Housing Authority.

Adjournment.


MAYOR


CITY CLERK

Councilman Morris said the 500' distance from schools did not concern him but the 500' distance from churches do because of the number of churches in the city limits.

Vice-Mayor Horton moved to amend the regulations to provide for a distance of 500' between such establishments and schools and churches. This motion died for lack of a second.

Vice-Mayor Horton then amended his motion to read that the Council honor the recommendation of the Asheville School Board and increase the distance between such establishments from 250' to 500' between established schools as defined by the ordinance. This motion was seconded by Councilman Morris and carried on a voice vote of 4-2.

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1108. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-1, Ordinance No. 1108 passed on first reading.

APPROVAL OF HOUSING AUTHORITY ACTION ON CONDEMNATION AND ACQUISITION PROCEEDINGS
WYOMING ROAD AND KENILWORTH PARK PARCELS

7. Consideration was given to a motion approving Housing Authority action on condemnation and acquisition proceedings.

The City Manager said the City Council on October 20, 1977 by Resolution No. 77-174 approved Wyoming Road condemnation of parcels 3, 4, 5, and 6 and Kenilworth Park parcels 6, 7, and 8. The Asheville Housing Authority on November 14, 1978 unanimously approved a motion offered by Mrs. Shook and seconded by Mr. Jackson for the payment of just compensation including attorney fees in the amount of \$26,295.00 for the seven parcels in condemnation and referenced above, subject to City Council approval.

Councilwoman Price moved to approve the payment of just compensation in the amount of \$26,295.00 for the seven parcels in condemnation and as recommended and approved by the Asheville Housing Authority. Community Development funds are available in the approved Kenilworth Park and Wyoming Road budgets for payment of the condemnation and acquisition cost. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - CALVIN D. LITTLE - DEAL BUICK, INC.

8. The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against City of Asheville for damage.

Calvin D. Little
71 Short Madison Avenue
Asheville, N. C.

Damage to automobile -
hit manhole

Deal Buick, Inc.
84 Coxie Avenue
Asheville, N. C.

Damage to property - broken plate glass
window.

\$100,000 would be essentially throwing away an investment the city has made in the transit system. He said if the budget is cut a combination of measures would have to be implemented which would include increased fares and reduction in services.

Upon inquiry of Council, Councilman Michael reported that he attended the Asheville Transit Authority meeting on June 13, 1979 and the Transit Authority did decide that some effort would be made to transport senior citizens.

It was the consensus of Council that some solution to transporting senior citizens would be made before the final reading of the budget ordinance.

On a roll call vote of 7-0, Ordinance No. 1107 passed on second reading.

PUBLIC HEARING - ESTABLISHMENT OF A HISTORIC RESOURCES COMMISSION

ORDINANCE NO. 1109 - AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY

4. A public hearing was held relative to the establishment of a Historic Resources Commission.

Mayor Trantham opened the public hearing at 3:48 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Frank Coxe, Chairman of the Asheville-Buncombe County Historic Preservation Advisory Committee, spoke in support of the establishment of a Historic Resources Commission. He said under the proposed ordinance the commission's aim will be to prevent the inadvertent destruction of significant properties and will regulate changes and additions to properties in historic districts. He said property will be designated historic by the Council if in the City, and the County Commissioners if in the County, and the historic commission will investigate nominations for designations and make recommendations to the governing body.

After discussion, Mayor Trantham closed the public hearing at 4:00 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1109. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1109 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1109. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1109 passed on second reading.

Thursday - June 14, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Gene E. Rainey gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 7, 1979.

Councilwoman Price presented several clerical errors in the minutes.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the June 7, 1979 meeting were approved as amended.

MURALS IN COUNCIL CHAMBERS RESTORED BY ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

2. Mayor Trantham noted that the murals in the Council Chambers had been restored by the Asheville-Buncombe County Youth Council. He suggested that a plaque be presented to the Youth Council recognizing the group for raising the funds to restore the murals.

ORDINANCE NO. 1107 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1979-80

3. Consideration was given to the second reading of Ordinance No. 1107, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1979-80.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Arthur Eve, Chairman of the Asheville Transit Authority, said he was concerned with the recommendation to cut \$100,000 from the Transit Authority's budget for 1979-80. He said this cut would result in only a \$50,000 savings since the federal government shares any deficits. He said a cut in the budget would result in increased fares and substantial reductions in service to the customers. He said the impact would be on the people who have no other means of transportation. He said with the "energy crunch" more people are likely to be using the transit system.

Mr. Joseph A. Poquette, President of City Coach Lines, Inc. of Jacksonville, Fla., which operates the Asheville transit system also spoke against a cut in the budget. He noted that a rate increase had been approved on June 13, 1979. He said the present budget does not include any capital improvements. He said a cut of

Verl Emrick, Planning Director, said since the annexation of the WNC Baptist Homes property in Richmond Hills the Planning and Zoning Commission recommended to Council that the property be zoned R-3 Residential District.

Mayor Trantham closed the public hearing at 4:43 p. m.

Verl Emrick read the ordinance.

Councilman Cole moved for the adoption of Ordinance No. 1111. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 7-0, Ordinance No. 1111 passed on first reading.

PUBLIC HEARING - AMENDING ORDINANCE NO. 322 - ADJUSTMENT OF FILING FEES - REZONINGS GROUP DEVELOPMENTS - APPEALS TO BOARD OF ADJUSTMENT

ORDINANCE NO. 1112 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to amending the Zoning Ordinance, being Ordinance No. 322, as amended relating to filing fees.

Mayor Trantham opened the public hearing at 4:45 p. m.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its May 2, 1979 meeting, discussed the need for adjusting the filing fee for rezoning and group developments. The Planning Staff had advised that an increase was necessary to cover current day costs of processing these applications. He said Council in scheduling the public hearings also included the setting of a filing fee for appeals to Board of Adjustments to cover costs incurred by the City of Asheville.

Mayor Trantham closed the public hearing at 4:49 p. m.

Verl Emrick read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1112. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1112 passed on first reading.

PUBLIC HEARING - AMENDING ORDINANCE NO. 424 - SUBDIVISION REGULATIONS - SETTING FILING FEE

ORDINANCE NO. 1113 - AN ORDINANCE AMENDING ORDINANCE NO. 424, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS."

8. A public hearing was held relative to amending Ordinance No. 424, known as "An Ordinance establishing regulations for the development of Real Estate Subdivisions."

Mayor Trantham opened the public hearing at 4:53 p. m.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its May 2, 1979 meeting, discussed the need for setting a filing fee for reviews of subdivisions and recommended that a filing of \$100 be set for reviews of subdivisions.

Councilman Michael moved to suspend the rules and proceed to the third reading of Ordinance No. 1109. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1109 passed on third and final reading.

Complete text of Ordinance No. 1109 will be found in Ordinance Book No. 9 at page 4.

PUBLIC HEARING - AMENDING NON-CONFORMING USE SECTION OF ORDINANCE NO. 322

ORDINANCE NO. 1110 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to amending the Zoning Ordinance being Ordinance No. 322, as amended relating to "Non-Conforming Uses."

Mayor Trantham opened the public hearing at 4:30 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said at the request of the Board of Adjustment, the Planning and Zoning Commission at its May 2, 1979 meeting considered a proposed wording amendment to the Asheville Zoning Ordinance regarding nonconforming uses. Mr. Johnson, Zoning Administrator, reported that the wording amendment was recommended to remove a legal problem that exists under the present wording.

Mayor Trantham closed the public hearing at 4:35 p. m.

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1110. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1110 passed on first reading.

PUBLIC HEARING - ZONING PROPERTY OF WNC BAPTIST HOMES IN RICHMOND HILLS

ORDINANCE NO. 1111 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to zoning property of WNC Baptist Homes in Richmond Hills.

Mayor Trantham opened the public hearing at 4:40 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

ORDINANCE NO. 1108 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE." (Regulating bars, nightclubs, and private clubs)

10. Consideration was given to the second reading of Ordinance No. 1108, amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended regulating bars, nightclubs, and private clubs in the City of Asheville.

Mayor Trantham stated that this ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, said at the direction of Council, several amendments were made in the regulations, those being:

Section III (h) (3) and (4)

"(3) 250 feet from any established church as defined by this ordinance."

"(4) 500 feet from any established school as defined by this ordinance."

Section III 2 (d)

"(d) Except as may otherwise be provided herein no location shall be approved for any on-premises liquor license unless such location is not less than 250 feet from any other location where there exists a current liquor license or 250 feet from an established school, church or residence. Distances in this zone district shall be measured from entry to entry (principle point of access to the establishment), excluding any rear or side door access."

Councilman Morris moved to approve the amendments provided by the Planning Director. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Michael was excused from the meeting at 5:55 p. m.

Vice-Mayor Horton said he was still sensitive to the distance between such establishments and churches. He then moved to change the regulations from 250 feet to 400 feet between such establishments and churches, outside the downtown district. This motion was seconded by Councilman Rainey, which motion failed on a roll call vote of 3-3, with Councilman Rainey, Vice-Mayor Horton and Mayor Trantham voting "aye" and Councilman Morris, Councilwoman Price, and Councilman Morris voting "no."

Councilman Morris then moved to amend the definition of churches in the regulations to include the words "tax exempt" after the word nonprofit. This motion was seconded by Councilman Rainey, which motion carried.

Vice-Mayor Horton then moved to amend Section III (h) (3) of the regulations to read "(3) 250 feet from any established church as defined by this ordinance but in no case shall the establishment be located on an adjoining lot of record." This motion was seconded by Councilwoman Price, which motion carried on a voice vote of 4-2, with Councilman Morris and Councilman Cole voting "no."

On a roll call vote of 6-0, Ordinance No. 1108 passed on second reading.

Councilman Rainey was excused from the meeting at 6:20 p. m.

Mayor Trantham closed the public hearing at 4:57 p. m.

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1113. This motion was seconded by Councilman Rainey.

On a roll call vote of 7-0, Ordinance No. 1113 passed on first reading.

PUBLIC HEARING - INCREASING WATER RATES

ORDINANCE NO. 1114 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

9. A public hearing was held relative to an ordinance increasing water rates and charges.

Mayor Trantham opened the public hearing at 4:59 p. m.

Councilman Rainey said he had concerns about raising the water rates by 40%.

Mayor Trantham noted that the water rate increase would depend on the results of the negotiations with the Buncombe County Commissioners relative to budgetary matters to be discussed on Monday, June 18, 1979.

Barbara Davis, representing clients of the Legal Aid Society of the Buncombe County Bar Association, again opposed the increase in water rates. She said a 40% increase is excessive. She said the increase would benefit "big business" at the expense of the small consumer. She said the increase in effect, is a city tax which is disguised as a water rate increase. She also said the increase is contrary to the 7% President's Price and Wage Increase.

Anthony Welsh also spoke in opposition to the rate increase. He said senior citizens on fixed incomes could not afford an increase. He said the City should tax people on the ability to pay.

Ralph Bishop also spoke in opposition to the rate increase.

Russ Offhaus questioned whether an additional sewer charge would be added and Councilman Morris informed him that the sewer charge is separate from the water charges and is not included in the rate increase.

Councilman Michael commented that he would not support the rate increase. He suggested raising the rates for industry and those outside the sanitary districts without raising the rates for the citizens of Asheville.

After discussion, Mayor Trantham closed the public hearing at 5:45 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1114. This motion was seconded by Councilman Cole.

On a roll call vote of 5-2, Ordinance No. 1114 passed on first reading with Councilman Rainey and Councilman Michael voting "no."

ORDINANCE NO. 1116 - AN ORDINANCE AMENDING SECTION 11-54 ENTITLED INSPECTION FEES - GENERALLY AND SECTION 11-55 ENTITLED SAME -- FOR EXTRA INSPECTIONS, OF CHAPTER 11 OF THE CODE OF ORDINANCES - Increasing Electrical Inspection Fees

13. Consideration was given to an ordinance amending Section 11-54 entitled Inspection Fees - generally and Section 11-55 entitled same -- for extra inspections, of Chapter 11 of the Code of Ordinances.

The City Manager read the ordinance explaining that this would provide for an increase in fees for electrical inspections.

Councilwoman Price was excused from the meeting at 6:30 p. m.

Councilman Cole moved for the adoption of Ordinance No. 1116. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 4-0, Ordinance No. 1116 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1116. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1116 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1116. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1116 passed on third and final reading.

Complete text of Ordinance No. 1116 will be found in Ordinance Book No. 9 at page 25.

APPROVAL OF SIGN PERMITS - NEAGLE SIGN COMPANY AND SUMMEY SIGN COMPANY

14. The City Manager said Neagle Sign Company has requested approval of the following six (6) sign permits which are within 600 feet of an expressway which requires the approval of the City Council, pursuant to Ordinance No. 322, as amended. 1) 12' x 50' billboard - Riverside Drive; 2) 14' x 48' - 3 S. Tunnel Road; 3) 300 sq. ft. - U. S. 74; 4) 14' x 48' - I-240; 5) 14' x 48' - I-240; and 6) 12' x 25' - Tunnel Road at Chunns Cove Road.

The City Manager said a permit was issued October 13, 1978 erroneously to Summey Sign Company for a free standing sign at 995 Riverside Drive which is within 600' of an expressway requiring the approval of Council. There are two 6' x 12' panels, non-illuminated.

Councilman Morris said he would like to see the location of the signs before taking any action on the approval of the signs.

Councilman Cole moved to defer action on the sign permits until July 5, 1979. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REPORT FROM PLANNING AND ZONING - MORATORIUM ON COMMERCIAL BUILDING PERMITS, SIGN PERMITS, AND 90-DAY WAITING PERIOD ON DEMOLITIONS IN THE MONTFORD DISTRICT

RESOLUTION NO. 79-126 - RESOLUTION FOR CONSIDERATION OF IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE MONTFORD NEIGHBORHOOD

11. Verl Emrick, Planning Director, said the Planning and Zoning Commission at its June 6, 1979 meeting reviewed a petition referred to them by the City Council, which was received from Mr. David E. Matney, III, Chairman of the Board of Directors for Historic Montford, Inc. requesting an immediate moratorium on rezoning in Montford; an immediate moratorium on commercial building permits in Montford; and a 90-day public notice of demolitions in Montford. He said after discussing the issues of this request the Commission voted to recommend to City Council the approval of this request. In addition the Commission voted to include a similar moratorium on sign permits in the Montford area.

Mr. Emrick then read the resolution imposing the moratorium, which would be enforced for a ninety (90) day period. He reviewed, by the use of a map, the location whereby the moratorium would be enforced.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-126 was unanimously adopted.

Complete text of Resolution No. 79-126 will be found in Resolution Book No. 11 at page 216.

ORDINANCE NO. 1115 - AN ORDINANCE AMENDING SECTION 20-2 OF CHAPTER 20 OF THE CODE OF ORDINANCES ENTITLED PLUMBING PERMITS - INSPECTIONS, FEES

12. Consideration was given to an ordinance amending Section 20-2 of Chapter 20 of the Code of Ordinances entitled Plumbing permits - inspections, fees.

The City Manager read the ordinance explaining that the ordinance would provide for an increase in fees for heating inspections.

Councilman Cole moved for the adoption of Ordinance No. 1115. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1115 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1115. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1115 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1115. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1115 passed on third and final reading.

Complete text of Ordinance No. 1115 will be found in Ordinance Book No. 9 at page 23.

- D. Scheduling of a public hearing relative to rezoning property in Chunns Cove for property to be rezoned from R-2 Residential to R-1 Single Family Residential. Planning and Zoning Commission recommended that the property be rezoned, plus additional property not included in the petition. Hearing to be scheduled for July 12, 1979.
- E. Scheduling of a public hearing relative to rezoning property on New Leicester Highway, owned by Green Hills Cemetery, from OI, Office Institutional District to CS Commercial Service District for July 12, 1979.

HIGHLIGHTS: Planning and Zoning Commission reviewed a petition of Green Hills Cemetery to rezone property on New Leicester Highway from OI, Office Institutional District to CS Commercial Service District. Planning and Zoning recommended that the property be rezoned as petitioned, plus an additional tract of land.

- F. Resolution No. 79-130 - Resolution authorizing the granting of easements to Akzona Incorporated in Public areas adjoining its office building and subterranean parking garage on North Pack Square pursuant to N.C.G.S.160A-273.

HIGHLIGHTS: This easement is for the purpose of installing, maintaining, and replacing footings, footing drainpipes, grilles, transformer room and areaway.

Resolution Book No. 11 Page 221

- G. Resolution No. 79-131 - Resolution authorizing the Mayor to enter into a contract for engineering services with Talbert, Cox and Associates, Inc. for strengthening of Runway 16-34 at the Asheville Airport.

HIGHLIGHTS: The Federal Aviation Administration has determined that Runway 16-34 at the Asheville Airport is in need of strengthening and the services of a consulting engineer are needed so that said work may proceed.

Resolution Book No. 11 Page 223

- H. Approval of a budget amendment amending the Federal Capital Projects Fund Budget.

HIGHLIGHTS: This amendment is to revise funding for the runway extension project and establish funding for paving, lighting, obstruction removal, overlay and snow removal equipment. The existing runway extension budget is hereby repealed.

92

APPROVAL OF THE CONSENT AGENDA

15. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-127 - Resolution of intent to close a portion of Madison Street within Riverside Park and calling a public hearing on the question for July 12, 1979.

HIGHLIGHTS: Parks and Recreation Department has requested that a portion of Madison Street within Riverside Park be closed to provide for further development of the park and to eliminate traffic through the park.

Resolution Book No. 11 Page 217

- B. Resolution No. 79-128 - Resolution authorizing the Mayor to execute agreement with A & H Flying Service, Inc. with respect to off-premise servicing of aircraft and rental of transit ramp area at the Asheville Airport.

HIGHLIGHTS: A & H Flying Service is presently leasing a parcel of land at Asheville Airport and wishes to continue to lease an adjoining area and to fuel and service various aircraft in other locations at the airport through June 30, 1980.

Resolution Book No. 11 Page 219.

- C. Resolution No. 79-129 - Resolution authorizing the Mayor to execute an agreement with the North Carolina Department of Transportation for school zone markings at certain schools within the corporate limits of the City of Asheville, and further identified as Asheville High School, Aycock School, Claxton School, Ira B. Jones School, Newton School, South French Broad School, Vance School, St. Eugene's School, St. Genevieve-Gibbons Hall School, St. Joan of Arc School, Biltmore School and Oakley School.

HIGHLIGHTS: N. C. Department of Transportation will obtain Federal-aid funds necessary to install the street school markings.

Resolution Book No. 11 Page 220.

Revenue Sharing Trust FundAppropriation:

Contribution to Other funds 73,431

Revenue:

Appropriated Fund Balance 73,431

Councilman Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council relative to lottery sales.

Adjournment.

Raymond H. Harrison
MAYOR

William S. McLeary
CITY CLERK

- I. Resolution No. 79-132 - Resolution establishing inspection fees (North Carolina State Building Code, Volume III Heating, 1971 Edition) under Ordinance 748 Section 8-61 (C) adopted September 1, 1972.

HIGHLIGHTS: This resolution will increase fees for heating inspections.

Resolution Book No. 11 page 224.

- J. Resolution No. 79-133 - Resolution appointing a member to the Asheville Policemen's Pension and Disability Board of Trustees.

HIGHLIGHTS: Appointment of Mr. William Frue as a member of the Board.

Resolution Book No. 11 Page 229.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, the consent agenda was unanimously approved.

CLAIMS - MS. REATHER WHITMIRE

The City Manager presented a claim received from Mr. W. R. Swearngan Facility Services Superintendent.

Following individual has a claim against the City of Asheville for damage:

Ms. Reather Whitmire
34 Weaver Street
Asheville, N. C.

Damage to automobile - hit open manhole.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - 21 DAY SALUTE - JUNE 14- JULY 4, 1979

Mayor Trantham proclaimed June 14, Flag Day and continuing through the Fourth of July, 1979 as 21 Day Salute period encouraging public gatherings and activities at which the people can celebrate and honor their country in an appropriate manner.

BUDGET AMENDMENT - LEAA SETTLEMENTS

The City Manager presented the following budget amendment to provide partial funding for LEAA settlements. The budget amendment represents five of the settlements, two more are not concluded.

Appropriations: - Police Department

Salaries and Wages	\$69,190
FICA	<u>4,241</u>
	73,431

Revenue:

Contribution from Other funds	73,431
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was erroneous. However, HUD has indicated that since land sales in the East Riverside area would be timely that the City Council could use what was known as "set aside" money for these programs. He said, therefore, these programs would be funded as well as the transportation for the senior citizens at the current level of service with the "set aside" funds.

The City Manager said a lot of concern had been expressed about the funding being cut for the Transit Authority. He said rumors were that the Transit Authority would be eliminating routes. He said he and Arthur Eve, Chairman of the Transit Authority has issued the following statement relative to these concerns.

"If the City Council reduces the appropriation to the Transit Authority, the Transit Authority Board will analyze the alternatives, including possible fare increases and/or possible reduction in service."

"When a decision is reached by the Transit Authority Board, a notice of public hearing will be published and a public hearing scheduled."

It is anticipated that no change in existing service can be made earlier than September 1, 1979."

Councilwoman Price noted that several months ago Council had moved to form a transit committee to coordinate transportation for the aged, the transit system, and taxicabs. She suggested that this committee be formed in order to coordinate the activities.

Councilman Rainey said he felt Council should cut funding across the board to outside agencies.

The City Manager, in view of a recent court decision, suggested that Council ask each outside agency to provide the City with a precise description of the services to be funded by the city contribution to the agency, a proposed contract between the agency and the city, an attorney general's opinion as to the legality of the city's funding of the particular service the agency provides and a copy of their proposed budget. He suggested that no cash outlay be furnished to the agencies until the information is furnished.

Councilman Cole moved to proceed with the adoption of the 1979-80 budget, funding the outside agencies at the 1978-79 level pending a ruling from the Attorney General on the legality of the city's funding of the service. This motion was seconded by Councilwoman Price.

Councilman Michael said funds are not available to fund agencies at the 1978-79 level.

After discussion relative to Council's willingness to fund the agencies at the 1978-79 levels Councilman Cole and Councilwoman Price withdrew their motion.

Thursday - June 21, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 14, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the June 14, 1979 meeting were approved as submitted.

APPROVAL OF SIGN PERMIT - SUMMEY SIGN COMPANY - 995 RIVERSIDE DRIVE

2. Mr. Mike Summey of Summey Sign Company requested approval of a sign permit issued October 13, 1978 erroneously for a free standing sign at 995 Riverside Drive which is within 600 feet of an expressway requiring the approval of the Council. The sign is two (2) 6' x 12' panels, non-illuminated. He presented photographs showing where the sign would be located and indicating that the sign would not be visible from the expressway.

Councilwoman Price moved to approve the sign permit for Summey Sign Company at 995 Riverside Drive. This motion was seconded by Councilman Michael and carried unanimously.

ORDINANCE NO. 1107 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1979-80

3. Consideration was given to the third reading of Ordinance No. 1107, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1979-80.

Mayor Trantham said the ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

The City Manager recommended, since there are no further revenues to be considered which can be put into effect after July 1 and since changes among line items can be made that Council adopt the budget as currently stated and in the course of the next few weeks Council could look at the details of the budget and determine what changes they desire. He did note, however, that the budget letter originally had recommended funding of the Senior Opportunity Center from Community Development funds as well as \$150,000 street resurfacing in the original Community Development area. He said these were recommended on the basis that the City would be receiving \$300,000 from the Community Development program which

Ralph Bishop said he opposed a portion of the budget for 1979-80.

On a roll call vote of 6-0, Ordinance No. 1107 passed on third and final reading.

Complete text of Ordinance No. 1107 will be found in Ordinance Book No. 9 at page 1.

ORDINANCE NO. 1108 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Regulating Nightclubs, bars and private clubs)

4. Consideration was given to the third reading of Ordinance No. 1108, amending Ordinance No. 322, as amended, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", regulating bars, nightclubs, and private clubs in the City of Asheville.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

At the request of Council, Verl Emrick, Planning Director, reviewed the amendments made to the regulations.

On a roll call vote of 5-1, Ordinance No. 1108 passed on third and final reading, with Councilman Michael voting "no."

Councilman Michael said the ordinance places too many restrictions on the business and would hinder progress.

Complete text of Ordinance No. 1108 will be found in Ordinance Book No. 9 at page 3.

Verl Emrick, Planning Director, advised that this ordinance would not be effective until July 6, 1979 and the moratorium on the issuance of permits for nightclubs, bars and private clubs ended on June 19, 1979.

Councilman Rainey moved to extend the moratorium on the issuance of permits for nightclubs, bars and private clubs until July 6, 1979. This motion was seconded by Councilwoman Price, which motion carried on a voice vote of 5-1, with Councilman Michael voting "no."

ORDINANCE NO. 1110 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Amending Non-Conforming Use Section)

5. Consideration was given to the second reading of Ordinance No. 1110, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, relative to the Non-Conforming Use Section.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Michael said Council should adopt the budget without a tax increase and address the details of the budget at a later date.

Councilman Rainey suggested that the Chamber of Commerce show a breakdown of their budget separating information on what they do for tourism at the Civic Center and the City and for private hotels and motels.

Mary Robertson read the following letter relative to the budget:

WESTERN NORTH CAROLINA
CENTRAL LABOR UNION
AFL-CIO

Suite 329
Parkway Office Building
Asheville, North Carolina
28801

Phone: 704-258-0487

Raymond B. Stepp, President

June 21, 1979

Honorable Members,
Asheville City Council
Asheville, North Carolina 28807

Honorable Council Members:

We find it impossible to understand how you can consider massive rate increases in such life-essential services as water and bus transportation, while you are so eager to donate our tax dollars to the Asheville Area Chamber of Commerce.

Surely you must recognize the enormous injustice to the people of this city, already prostrate under the burden of inflationary living costs. To provide the Chamber, one of the nation's most powerful businessmen's unions, with tax monies at any time is highly immoral, and, almost surely, illegal. To budget them so much as one dollar during times such as these is a crime against the people.

The Chamber's plea that they use these tax dollars for the purpose of "bringing industry and jobs into the area" is an affront to the people's best interests. Such jobs as have been provided through this self-serving organization have been, by design, substandard, poverty level jobs that have served only to keep this State in the shameful position of lowest in per capita income.

The national president of the Chamber, while a recent guest in this City, called for, among other abuses against working people, abolition of the minimum wage. It will be unforgivable for you to provide the local chapter of this organization with a single tax dollar, millions of which have been provided this City by working people.

We urge, indeed, we insist that you delete, at once, all tax monies budgeted by the City to the Asheville Area Chamber of Commerce.

Sincerely yours,

Ray B. Stepp
Ray Stepp,
President

On a roll call vote of 6-0, Ordinance No. 1112, as amended, passed on third and final reading.

Complete text of Ordinance No. 1112 will be found in Ordinance Book No. 9 at page 19.

ORDINANCE NO. 1113 - AN ORDINANCE AMENDING ORDINANCE NO. 424, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS."

8. Consideration was given to the second reading of Ordinance No. 1113, an ordinance amending Ordinance No. 424, known as "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS."

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1113 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1113. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1113 passed on third and final reading.

Complete text of Ordinance No. 1113 will be found in Ordinance Book No. 9 at page 21.

ORDINANCE NO. 1104 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Allowing Crematories in conjunction with funeral homes as a Conditional Use in the Commercial Highway District)

9. Consideration was given to the second reading of Ordinance No. 1104, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended allowing crematories in conjunction with funeral homes as a Conditional Use in the Commercial Highway District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said he had been advised by Mr. Gus Morris that he wishes to withdraw his proposal to amend the wording of the Zoning Ordinance allowing crematories. Therefore, no further action is required by City Council. He said any renewal of Morris' request must be treated as a new statement and reviewed by the Planning and Zoning Commission.

Vice-Mayor Horton moved to table Ordinance No. 1104. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1110 passed on second reading.

ORDINANCE NO. 1111 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Zoning WNC Baptist Homes Property in Richmond Hills)

6. Consideration was given to the second reading of Ordinance No. 1111, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended zoning property of WNC Baptist Homes in Richmond Hills to R-3 Residential District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1111 passed on second reading.

ORDINANCE NO. 1112 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Adjusting filing fees for rezoning, group developments, and appeals to the Board of Adjustment)

7. Consideration was given to the second reading of Ordinance No. 1112, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended adjusting the filing fees for rezonings, group developments, and appeals to the Board of Adjustment.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick suggested the following amendment to the ordinance relative to the filing fee for appeals to the Board of Adjustment.

"That Section 30-8-2 (B) be amended by adding the following sentences: An application by a property owner or his agent, appealing a ruling by the Zoning Administrator to the Board of Adjustment, shall be accompanied by a filing fee of Fifty Dollars (\$50.00) payable to the City of Asheville and shall be filed in the Office of the Zoning Administrator."

Councilwoman Price moved to amend Ordinance No. 1112 to amend Section 30-8-2 (B) as presented by Verl Emrick, Planning Director. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1112 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1112, as amended. This motion was seconded by Councilman Michael and carried unanimously.

Councilman Rainey said he would have been in favor of a 15% to 20% increase in water rates to cover the general fund deficit but he could not favor a 40% increase.

The City Manager said the 40% increase is realistic even though projects are not identified. He said with the City being responsible for over 30,000 customers, both inside and outside the City, there is a need for continuing improvements to the system.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1114. This motion was seconded by Vice-Mayor Horton, which motion carried on a voice vote of 4-2, with Councilman Rainey and Councilman Michael voting "no."

On a roll call vote of 4-2, Ordinance No. 1114 passed on third and final reading with Councilman Rainey and Councilman Michael voting "no."

Complete text of Ordinance No. 1114 will be found in Ordinance Book No. 9 at page 22.

APPROVAL OF THE SALE OF DISPOSAL PARCELS IN EAST RIVERSIDE RENEWAL PROJECT

11. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has received the following bids for disposal parcels in the East Riverside Renewal Project.

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
25	Residential	2,700	2,700	Charles Marshall, et ux
31	Residential	3,000	3,000	Willie Mae Harbison
32	Residential	3,300	3,300	Margaret D. Ruff
53	Commercial	35,000	35,000	DJ & KC Enterprises
55	Commercial	5,00	13,187	Robert L. Ledford, et ux

Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the locations of the parcels and the proposed use of the property.

Councilman Rainey moved to approve the sale of the disposal parcels in the East Riverside Renewal Project as recommended by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

ORDINANCE NO. 1114 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

10. Consideration was given to the second reading of Ordinance No. 1114, an ordinance providing for revisions to the water rates and charges.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Cole, Bob Wurst, Budget Director, said the existing ordinance provides for a different rate for consumers purchasing water for resale. However, the proposed ordinance has one set of rates applicable to all consumers.

Councilman Michael said the statement was misleading because the Town of Biltmore Forest and Woodfin would be getting water at the bulk rate for resale to the people in their town.

A resident of West Asheville spoke in opposition to the water rate increase.

Mayor Trantham said Council proposed to increase water rates in order not to raise taxes. He said in that respect everyone would be sharing the burden rather than just taxpayers.

Councilman Michael said he still had concerns because those living in the projects do not pay taxes or water rates therefore, the burden still lies with the homeowner.

Bob Wurst explained the increase. He said as a general statement the amount of the increase increases as the amount of water consumption increases.

On a roll call vote of 4-2, Ordinance No. 1114 passed on second reading, with Councilman Michael and Councilman Rainey voting "no."

Vice-Mayor Horton said he was not altogether in favor of the water rate increase but he said there is no recourse as the water rates are in conjunction with the budget for 1979-80. He said in view of the indicated changes for the budget there is a possibility that the action on the water rates will change. He said, at least, 50% of the increase will be paid by consumers outside the City limits which will help finance a portion of the services they use.

Councilman Michael said he felt raising the water rates at this time would be premature. He said he felt some other method of raising the rates outside the water districts, not under the protection of the Sullivan Act, could be accomplished. He said he felt Council should wait a couple of months until this could be worked out.

Councilwoman Price commented that the budget for 1979-80 was balanced by the increase in water rates. She said if Council did not increase the rates the budget for 1979-80 as presented would not have been balanced.

Vice-Mayor Horton said the city has been addressing the problem of drug and alcohol abuse during these concerts and it was his hope that some of the problems will be taken care of.

Councilman Rainey suggested that the attendance be checked in order to comply with the fire code. He also suggested that "festival seating" be re-examined. He said he felt there would be better crowd control if there was not festival seating at such events.

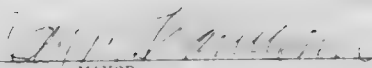
The City Manager said the Kiss Concert has been approved and sold as a festival seating event. He said he felt the Civic Center Director was well aware of the problems of the past with such groups and would be able to handle the situation.

JEFF MCKINNEY - METER REPAIR SHOP - COMMENTS RELATIVE TO PAY INCREASE

Jeff McKinney of the Meter Repair Shop, representing himself and other city employees, said he felt the proposed 5% pay increase was unjust as the inflation rate was much higher.

Mayor Trantham suggested that the City Manager advise Mr. McKinney of the total pay program.

Adjournment.


MAYOR


CITY CLERK

- A. Resolution No. 79-134 - Resolution authorizing the Mayor to file a subgrant application with the North Carolina Department of Crime Control and Public Safety for a mobile Police Service Center.

HIGHLIGHTS: This subgrant will fund for the Asheville Police Department a Mobile Police Service Center and will be funded at a 90% Federal, 5% State, and 5% local contribution ratio. \$31,050 Federal; \$1,725 State; \$1,725 local; total \$34,500.

Resolution Book No. 11 Page 230.

- B. Resolution No. 79-135 - Resolution authorizing the Mayor to file a subgrant application with the North Carolina Department of Crime Control and Public Safety for portable alarm systems.

HIGHLIGHTS: This subgrant will fund for the Asheville Police Department six portable burglar/robbery alarms and will be funded at a 90% Federal, 5% State and 5% local contribution ratio. \$4,590 Federal; \$255 State; and \$255 local, \$5,100 Total.

Resolution Book No. 11 page 231.

- C. Resolution No. 79-136 - Resolution authorizing the Mayor to enter into a lease agreement with Sanco Corporation for rollout container lift mechanisms for eleven City of Asheville Sanitation Trucks.

HIGHLIGHTS: This lease agreement will be with Sanco Corporation for rollout container lift mechanisms for eleven (11) City of Asheville Sanitation Trucks.

Resolution Book No. 11 page 232.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

COUNCILMAN RAINEY - REQUESTS FOR COUNCIL TO CONSIDER - MORATORIUM ON CERTIFICATE OF OCCUPANCIES - SUPER POLE ORDINANCE - ANNEXATION OF ASHEVILLE COUNTRY CLUB

Councilman Rainey requested that the City Manager draft a resolution for Council to consider on June 28, 1979 placing a moratorium on the issuance of certificate of occupancies. He also suggested that in the near future Council take into consideration the Super Pole Ordinance as well as the annexation of the Asheville Country Club.

Vice-Mayor Horton suggested that Council also consider annexation of other developments that have been discussed in the past.

KISS CONCERT - COMMENTS BY MRS. HARWELL

Mrs. Harwell of Round Oak Road suggested deterrents to discourage the performance of "Kiss" at the Civic Center scheduled to perform on June 28, 1979. She suggested that the City set forth prohibition of alcohol and drugs as well as an age restriction of 18 years of age. She asked Council if they could suggest things that she might do to discourage the performance and the attendance.

J. E. Johnson, Director of Inspections, presented photographs showing the condition of the dwellings. He said all legal requirements had been met for the demolition of the dwellings. He said all the dwellings are vacant.

Mayor Trantham closed the public hearing at 3:30 p. m.

The Corporation Counsel read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1117. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1117 passed on first reading.

ORDINANCE NO. 1110 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Amending Non-Conforming Use Section)

4. Consideration was given to the third reading of Ordinance No. 1110, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, relative to the Non-Conforming Use Section.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1110 passed on third and final reading.

Complete text of Ordinance No. 1110 will be found in Ordinance Book No. 9 at page 16.

ORDINANCE NO. 1111 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Zoning WNC Baptist Homes Property in Richmond Hills)

5. Consideration was given to the third reading of Ordinance No. 1111, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended zoning property of WNC Baptist Homes in Richmond Hills to R-3 Residential District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1111 passed on third and final reading.

Complete text of Ordinance No. 1111 will be found in Ordinance Book No. 9 at page 18.

Thursday - June 28, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris Jr.

INVOCATION

Councilwoman Norma Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 21, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the June 21, 1979 meeting were approved as submitted.

PROCLAMATION- AMERICAN ENKA WEEK - JULY 1 - 7, 1979

2. Mayor Trantham noted that this was a joint proclamation by the City and the County in observance of American Enka Week. He said American Enka has been in Asheville and Buncombe County for 50 years.

The City Manager read the proclamation.

Mayor Trantham proclaimed the week of July 1 - 7, 1979 as American Enka Week.

Mr. A. D. Miles, Operations Manager for American Enka, was recognized by Council in observance of the proclamation.

PUBLIC HEARING - DEMOLITION OF 266 SOUTH BEAUMONT STREET, 17 HAMILTON STREET, AND 37 MAGNOLIA AVENUE

ORDINANCE NO. 1117 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 266 SOUTH BEAUMONT STREET, 17 HAMILTON STREET, AND 37 MAGNOLIA AVENUE

3. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses known as 266 South Beaumont Street, 17 Hamilton Street, and 37 Magnolia Avenue.

Mayor Trantham opened the public hearing at 3:21 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Vice-Mayor Horton moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1119 - AN ORDINANCE AMENDING THE OPERATING BUDGET AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL 1978-79

9. Consideration was given to an ordinance amending the operating budget and capital budget for the City of Asheville for Fiscal 1978-79.

The City Manager read the ordinance explaining that the ordinance will summarize and ratify all budget amendments made to the budget as of June 28, 1979.

Councilman Rainey moved for the adoption of Ordinance No. 1119. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1119 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1119. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1119 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1119. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1119 passed on third and final reading.

Complete text of Ordinance No. 1119 will be found in Ordinance Book No. 9 at page 33.

ORDINANCE NO. 1120 - AN ORDINANCE AMENDING ORDINANCE NO. 933, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE AREA CIVIC CENTER COMMISSION"

10. Consideration was given to an ordinance amending Ordinance No. 933, establishing an administrative body known as the Asheville Area Civic Center Commission.

The City Manager read the ordinance explaining that the Civic Center Commission has suggested that the ordinance be amended relative to the terms of office for the Commissioners and the composition of same. He said this ordinance would provide for a representative of the Buncombe County Youth Council to be an ex-officio member and the establishment of a ninth full-term member. He said this would also provide for all member's terms to expire on June 30th of the year in which their term presently expires and that future appointees be appointed whereby their terms will also end on June 30th. He said it also makes a provision that the Commission members shall make every effort to attend all meetings and in the event they miss two consecutive meetings without just cause, the Commission shall be empowered to request City Council to replace the member.

ORDINANCE NO. 1118 - AN ORDINANCE AMENDING SECTION 15 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, INSERTING A CLASSIFICATION FOR REFUSE HAULERS

6. Consideration was given to an ordinance amending Section 15 of the Revenue Ordinance (Ordinance No. 1027) of the City of Asheville, inserting a classification for refuse haulers.

The City Manager read the ordinance explaining that this would provide that every person, firm or corporation engaged in the business of collecting refuse shall pay a license tax of \$100 per annum. He said this classification is not in the Revenue Ordinance at the present and Council had requested that an ordinance be prepared including refuse haulers in the Revenue Ordinance.

Councilman Michael said he would like for the license to be issued according to the amount of business a company does, for example, one truck would be a certain amount and ten trucks would be a certain amount. He also commented that there should be control over people hauling their own garbage to the landfills.

Councilman Rainey moved for the adoption of Ordinance No. 1118. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1118 passed on first reading.

BUDGET AMENDMENT - WATER AND SEWER IMPROVEMENTS FUND CAPITAL PROJECT BUDGET - PATTON MOUNTAIN RESERVOIR

7. Consideration was given to a motion approving a budget amendment amending the City of Asheville Water and Sewer Improvements Fund Capital Project Budget.

The City Manager presented the budget amendment stating that this amendment is to transfer unneeded funds from Lutheridge Reservoir for critical rehabilitation work at the Patton Mountain Reservoir in the Water and Sewer Improvements Fund. The budget amendment is in the amount of \$27,417.

Bill DeBruhl, Director of Water and Sewer Services, explained the need for the transfer of funds. He said the Patton Mountain Reservoir is in dire need of improvements. He said funds for the Lutheridge Reservoir had been set up about four years ago and has not been expended.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Michael and carried unanimously.

BUDGET AMENDMENT - ASHEVILLE GENERAL FUND - STREET PAVING

8. Consideration was given to a motion approving a budget amendment amending the City of Asheville General Fund Budget.

The City Manager presented the budget amendment and explained that this amendment would transfer sinking fund monies to the street paving program as planned to support the 1978/79 street paving program. The amount of the transfer is \$200,000.

- C. Resolution No. 79-139 - Resolution authorizing the Mayor to execute agreement with Wheeler Airlines, Incorporated with respect to terminal space rental and landing fees.

HIGHLIGHTS: Wheeler Air Lines, Inc. is occupying terminal space and using runway facilities for landing and take offs and Wheeler has been subleasing from Delta Airlines. Delta has terminated service to the Airport and a month to month agreement has been approved and recommended to be enacted between the City of Asheville and Wheeler Airlines, Inc.

Resolution Book No. 11 at page 235 .

- D. Approval of bids received June 18, 1979 for one (1) trailer-mounted self contained irrigation system for use at the Memorial Stadium.

HIGHLIGHTS: One (1) bid was received.
 Recommendation of acceptance of bid submitted by Larchmont Engineering and Irrigation, Inc. in the amount of \$2,900.00
 Funding: Memorial Stadium - Capital Outlay - Other Improvements - Improvements to Memorial Stadium to be funded by the City School Board. The City will make said improvements and bill the School Board for actual costs incurred.

- E. Approval of bids received June 18, 1979 for five (5) dump trucks for Asheville Street Department.

HIGHLIGHTS: Three (3) bids were received.
 Recommendation of acceptance of second low fully responsive bids as follows: Item #1 - Matthews Motors, Inc. 11,690.12
 Item #2 - Matthews Motors, Inc. 23,980.24
 Item #3 - Apple Tree Chevrolet 32,846.70
 Funding: Revenue Sharing Trust Fund - Streets Division Capital Outlay Equipment.

- F. Approval of bids received June 25, 1979 for one 4 wheel drive vehicle and two 3/4 ton pickup trucks for the Parks and Recreation Department.

HIGHLIGHTS: One (1) bid was received.
 Recommendation of acceptance of bid received from Apple Tree Chevrolet, Inc. in the amount of \$19,373.38.
 Funding: Revenue Sharing Trust Fund - Parks and Recreation Department Capital Outlay Equipment.

- G. Approval of a budget amendment amending the City of Asheville First, Second, Third and Fourth Year Community Development Fund budgets for Fiscal Years 1975-76, 1976-77, 1977-78 and 1978-79.

HIGHLIGHTS: This budget amendment is to close out balances of completed projects and provide for needed funds for Community Development years 1975-76, 1976-77 and 1977-78.

Councilwoman Price moved for the adoption of Ordinance No. 1120. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1120 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1120. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1120 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1120. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1120 passed on third and final reading.

Complete text of Ordinance No. 1120 will be found in Ordinance Book No. 9 at page 34.

APPROVAL OF THE CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-137 - Resolution authorizing the Mayor to execute agreement terminating United Air Lines Lease Agreement at Asheville Airport.

HIGHLIGHTS: The City of Asheville and United Air Lines entered into an Airport Lease Agreement dated June 13, 1978 and United Air Lines discontinued all service at the Airport effective March 8, 1979 and have requested a formal termination of said agreement.

Resolution Book No. 11 at page 233

- B. Resolution No. 79-138 - Resolution authorizing the Mayor to execute a right-of-way agreement with the Southern Railway Company concerning a sewer pipe line.

HIGHLIGHTS: This encroachment agreement with Southern Railway Company is for the sewer line which will be constructed on the Forestdale Project.

Resolution Book No. 11 at page 234.

VICE-MAYOR HORTON - ASHEVILLE CITY SCHOOL DISTRICTS LINE

Vice-Mayor Horton said he had requested, several weeks ago, that the Corporation Counsel find out what statutory steps would be required to have the City Limits and School District lines coincide. He said evidently there has been a breakdown in communication with the School Board's attorney. He further requested that the Corporation Counsel look into the matter on his own.

CITY COUNCIL MEETING FOR JULY 5, 1979 - CANCELLED

Councilman Cole moved that the City Council meeting regularly scheduled for July 5, 1979 be cancelled. This motion was seconded by Councilman Rainey and carried unanimously.

CLAIMS - JOHNNY FRED THOMAS - MR. THURSTON BROWN - MRS. MARY L. HALL - JIMMY RAY BALDWIN - MS. JOHNNIE M. WHITESIDE

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against the City of Asheville for damage:

Mr. Thurston Brown	Water draining across property
58 Gray Street	
Asheville, N. C.	

Mrs. Mary L. Hall	Screens picked up by mistake
189 Murdock Avenue	by Sanitation workers
Asheville, N. C.	

Claims sent to St. Paul Fire and Marine Insurance:

Jimmy Ray Baldwin	Damage to automobile -
736 Baldwin Avenue	City vehicle backing
Marion, N. C.	

Ms. Johnnie M. Whiteside	Damage to automobile
104 Brooklyn Road	hit in rear by City
Asheville, N. C.	vehicle

Johnny Fred Thomas	Street Flusher Accident
Mae English Thomas	
102 Springdale Avenue	
Asheville, N. C.	

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

- H. Resolution No. 79-140 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Indiana Gunit and Construction Company Inc. for the project known as Rehabilitation of Patton Mountain Reservoir.

HIGHLIGHTS: Bids were received on June 19, 1979 for the Patton Mountain Rehabilitation Project. Indiana Gunit and Construction Company is the apparent low bidder in the amount of \$26,600.00. This project is funded under the 31-50-838.

Resolution Book No. 11 at page 236.

- I. Resolution No. 79-141 - Resolution authorizing the Director of Finance to sell surplus property.

HIGHLIGHTS: The Director of Finance will hold a public auction at the Asheville Civic Center on August 11, 1979 of such surplus materials, equipment and items as may be declared as surplus by City department and division heads.

Resolution Book No. 11 at page 237.

Upon motion of Councilman Michael, seconded by Councilman Cole the consent agenda was unanimously approved.

VICE-MAYOR HORTON - KISS CONCERT - JUNE 28, 1979

Vice-Mayor Horton commented on the Asheville Civic Center Commission's special task force on behavior at the Civic Center during the concerts. He said he felt this was a step forward to insure successful events with minimum problems. He also commended the City Manager, the Civic Center Director, the Civic Center Commission and the Police Department for finalizing a new positive policy approach. He said in this regard citizens could be assured that there would be proper law enforcement and crowd control at the events.

COUNCILMAN RAINEY - RESPONSE FROM HUD ON GROUP HOME FOR THE DEVELOPMENTALLY DISABLED IN KENILWORTH AREA

Councilman Rainey said members of Council have been furnished with copies of a letter from HUD to Peter Winslow, President of the Kenilworth Residents Association, in response to questions relative to the Group Home for the Developmentally Disabled in the Kenilworth area. He said, in essence, HUD has not, as yet, approved the Chiles Avenue location. He said the letter did indicate that HUD had approved eight (8) units for the group homes in the Asheville area. He requested that the City Manager obtain a clarification on whether the eight (8) units is for one house with eight (8) units or for eight (8) individual houses. He also said a spacing amendment to the Zoning Ordinance should be considered in order not to have one neighborhood overburdened with such homes.

The City Manager said he would look into the request.

REQUEST TO AMEND SANITATION CODE - RUBBERMAID CORPORATION

Mr. Dave Grogan, Vice-President of Rubbermaid Corporation, asked Council to amend the Sanitation Ordinance to change the specifications on the capacity of the rollout containers from 90-100 gallons to 80-100 gallons so as to allow Rubbermaid Corporation to compete in the market.

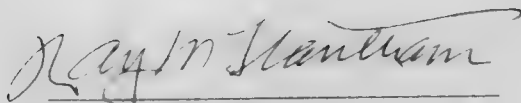
The City Manager said an ordinance amendment would be prepared for Council's consideration.

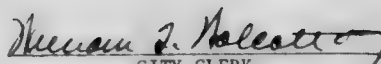
Mr. Grogan said his company would also make a quotation on the liftout equipment if the City so desired.

RALPH BISHOP - LOTTERY SALES - REDRESS FROM COUNCIL

Ralph Bishop again spoke to Council about the lottery sales in Asheville. He also said he did not feel Council had a right to call him out of order when he was seeking redress from Council on a particular question.

Adjournment.


MAYOR


CITY CLERK

NEWS RELEASE RELATIVE TO WATER RATES - SEWER RATES

The City Manager said various city offices have received several calls within the past few days regarding the affects of the water rate increase on their sewer service charges. He said the following news release was released from the Mayor's office"

"Some people have heard a rumor that the sewer rate will go up 40% the same as water rates - this is simply not the case.

The Metropolitan Sewer District contracts with the City of Asheville as a matter of cost effectiveness, for sewer service billing. The rate charged for sewer service is established by the Metropolitan Sewer District Board and not the City Council. The current rate for sewer service is 32¢ per 100 cubic feet of water used. (The rate is a little different for high water user industry). Therefore, the sewer service charge is based on the number of cubic feet of water consumed in any given month not on the water rate."

LIBRARY - ADDITIONAL FUNDING APPROVED

Mr. Anthony Lord, Chairman of the Library Board, told Council that after trimming the library budget as far as it could be trimmed, the library still is short \$30,000 if it is to maintain present service hours. He said without the \$30,000 they will have to dismiss most of the part-time personnel, with the result that service hours will be reduced 40 percent. He said in an attempt to deal with a budget that was \$75,000 less than what the Library had requested, the library officials had eliminated two new positions and one CETA position, reduced salary increases and eliminated all of the increase for books and related materials.

Mr. Lord said in discussing the problem with the County Commissioners, it was indicated that the County would consider restoring \$17,000 to the projected budget if the City would in turn restore \$13,000. He said these figures reflect a 70-30 division of the total support which was previously agreed upon.

Councilman Michael suggested that the proposal be turned over to the Mayor and City Manager to be discussed with the Chairman of the County Commissioners.

Councilman Rainey moved to instruct the City Manager to allocate an additional \$13,000 from the Contingency Fund to the Library Budget provided the County Commissioners allocate an additional \$17,000 to the Library Budget. This motion was seconded by Councilwoman Price.

Vice-Mayor Horton moved to amend Councilman Rainey's motion to instruct the City Manager to fund the library budget 30% of the total adjusted budget of \$691,220.00. This amendment to Councilman Rainey's motion was seconded by Councilwoman Price and carried unanimously.

The motion made by Councilman Rainey, as amended by Vice-Mayor Horton, carried unanimously.

ORDINANCE NO. 1118 - AN ORDINANCE AMENDING SECTION 15 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE, INSERTING A CLASSIFICATION FOR REFUSE HAULERS

4. Consideration was given to the second reading of Ordinance No. 1118, an ordinance amending Section 15 of the Revenue Ordinance (Ordinance No. 1027) of the City of Asheville, inserting a classification for refuse haulers.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

The City Manager said at the first reading of the ordinance questions were raised as to whether the license should be charged on a sliding scale in order to prevent a small business from paying such a large fee. He then presented an approach to the sliding scale suggesting that a license fee be charged according to gross sales:

\$10,000	---	\$19.00
10,000-25,000	---	47.00
25,000-50,000	---	94.00
Over 50,000	---	187.50

The City Manager also noted that the Revenue Ordinance should be amended to delete the limousine service classification and adjust the license fee of taxicabs to \$15.00 per annum in order to comply with state laws. He suggested that these amendments be included in the proposed ordinance.

After discussion, it was the consensus of Council to leave the license fee for refuse haulers at a flat \$100 per annum fee.

Councilwoman Price moved to amend Ordinance No. 1118 to include the deletion of the Limousine Service Classification from the Revenue Ordinance and to adjust the license fee of taxicabs to \$15.00 per annum. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1118, as amended passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1118, as amended. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1118, as amended passed on third and final reading.

Complete text of Ordinance No. 1118, as amended, will be found in Ordinance Book No. 9 at page 32.

Thursday - July 12, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Ralph D. Morris, Jr., and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Trantham gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 28, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the June 28, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-142 - RESOLUTION OF APPRECIATION TO THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

2. Consideration was given to a resolution of appreciation to the Sinking Fund Commission for Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-142 was unanimously adopted.

Complete text of Resolution No. 79-142 will be found in Resolution Book No. 11 at page 238.

ORDINANCE NO. 1117 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 266 SOUTH BEAUMONT STREET, 17 HAMILTON STREET, AND 37 MAGNOLIA AVENUE

3. Consideration was given to the second reading of Ordinance No. 1117, an ordinance directing the Housing Officer to demolish those dwelling houses known as 266 South Beaumont Street, 17 Hamilton Street, and 37 Magnolia Avenue.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1117 passed on second reading.

Mr. Emrick said the Planning Staff had recommended to the Planning and Zoning Commission the following alternatives:

- 1) The proposed zoning change should include the entire Chunn's Cove Area which can be described as having a northern boundary along the present city limits and extending to the existing R-1 Residential District, an eastern boundary along the present city limits, a southern boundary along the present city limits and the existing CH Commercial Highway District, and a western boundary along Vance Gap Road and the existing R-1 Residential District. This area includes the Mountain Brook Subdivision, the Rollingwood Subdivision, some large tracts of land north of Rollingwood and most of the mountain of rock deposited along the east side of Chunn's Cove Road.
- 2) The proposed zoning change should include all the area described in alternative one except for the large tract of land north of Rollingwood. The owner of the large tract has asked not to be changed from R-2 Residential District to R-1 Residential District. The area does contain some nice homes, but the R-2 classification adequately serves the existing needs.
- 3) The proposed zoning change should include only the land that has been platted and recorded as the Mountain Brook Subdivision.

By the use of a map, Mr. Emrick reviewed the property described in the alternatives.

Mr. Emrick said written protest to the rezoning was received from Mr. Glenn Hunnicutt, Mr. and Mrs. Erwin H. Cort, and Asheville Contracting Company. He said with the present opposition the "20% rule" requiring a 3/4 favorable vote of Council would be required, however, in his opinion the "20% rule" would not apply until the second reading of the ordinance due to a provision in the zoning ordinance which requires written protests to be received prior to 48 hours of a public hearing on the issue. He said the protests were not received until today and therefore in his opinion the "20% rule" would not apply on the first reading of the ordinance.

Mr. Emrick further commented that since the properties in question are in litigation, both in federal and state courts, it might be to the City's advantage to table the ordinance, after the public hearing, until the suits in the courts are settled. He said this would keep the City from becoming involved in the law suits.

Corporation Counsel Moore recommended that Council take no action on the rezoning matter until the law suits are settled.

Councilman Rainey suggested that, if Council desires to table action on the matter, Council place a moratorium on apartment houses in the area until some action by the courts are taken on the suits now pending. He said there was a possibility that a permit could be issued for an apartment complex on the property before Council could take action on the rezoning.

Dr. L. E. Metcalf of Chunn's Cove spoke in favor of the rezoning from R-2 to R-1 Residential District. Referring to the "rock pile" created by Asheville Contracting Company, he said the community needs to be protected, by rezoning, from any further damage to the community.

PUBLIC HEARING - CLOSING OF A PORTION OF MADISON STREET WITHIN RIVERSIDE PARK

RESOLUTION NO. 79-143 - RESOLUTION TO CLOSE A PORTION OF MADISON STREET WITHIN RIVERSIDE PARK

5. A public hearing was held relative to closing a portion of Madison Street within Riverside Park.

Mayor Trantham opened the public hearing at 3:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing. He also presented an affidavit that the street in question was properly posted. He said the Parks and Recreation Department has requested that a portion of Madison Street within Riverside Park be closed to provide for further development of the park and to eliminate traffic through the park.

Ray Kisiah, Director of Parks and Recreation, described the portion of Madison Street to be closed. He said although the City of Asheville owns all property adjoining the portion to be closed, his staff notified approximately twelve (12) property owners in the area of the intent to close the street.

Mayor Trantham closed the public hearing at 3:20 p. m.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 79-143 was unanimously adopted.

Complete text of Resolution No. 79-143 will be found in Resolution Book No. 11 at page 239.

PUBLIC HEARING - REZONING PROPERTY IN CHUNNS COVE FROM R-2 RESIDENTIAL DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL

ORDINANCE NO. 1121 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to rezoning property in Chunns Cove from R-2 Residential District to R-1 Single-Family Residential.

Mayor Trantham opened the public hearing at 3:24 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Enrick, Planning Director, reported that the Planning and Zoning Commission, at its meeting on June 6, 1979 considered the request of the petitioners to rezone property in the Chunns Cove area from R-2 Residential District to R-1 Single Family Residential District. He said after discussing the issues of the request, the Commission voted to recommend to City Council that property described in Alternative #2 as described in the Planning Staff's Report, plus Lot 12, Sheets 25 and 29, and Lot 17, Sheet 25, Haw Creek Ward (outside the City Limits) be rezoned from R-2 Residential District to R-1 Single-Family Residential District.

Mr. J. O. Buchanan spoke in opposition to rezoning. He said it had been indicated that he had attended the hearing before the Planning and Zoning Commission on the matter and he informed Council that he did not attend the meeting.

Mr. Bill Phieffer, 11 Chunn's View Drive, spoke in favor of the rezoning.

Mayor Trantham closed the public hearing at 4:48 p. m.

Council then discussed excluding the Cort and Hunnicutt property from the proposed rezoning.

Verl Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Rainey moved for the adoption of Ordinance No. 1121, excluding all of the Cort and Hunnicutt properties from the rezoning. This motion was seconded by Councilwoman Price.

Councilman Morris, due to the advice of the Corporation Counsel and the description of the property being vague, moved to table Ordinance No. 1121. This motion died for the lack of a second.

Corporation Counsel Moore suggested that before the final reading of the ordinance that a more specific description of the property be included in the ordinance, particularly with reference to the Cort and Hunnicutt properties being excluded.

On a roll call vote of 5-2, Ordinance No. 1121 passed on first reading, with Mayor Trantham and Councilman Morris voting "no."

PUBLIC HEARING - REZONING PROPERTY ON NEW LEICESTER HIGHWAY-OWNED BY GREEN HILLS CEMETERY

ORDINANCE NO. 1122 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to rezoning property on New Leicester Highway, owned by Green Hills Cemetery from OI, Office Institutional District to CS Commercial Service District.

Mayor Trantham opened the public hearing at 5:16 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission, at its meeting on June 6, 1979 considered the request of Green Hills Cemetery that a portion of Lot 95 (lying east of the New Leicester Highway), Sheet 17, Ward 6, be rezoned from OI Office-Institutional District to CS Commercial Service District. He said after discussing the issues the Commission voted to recommend to City Council that the property as petitioned, plus the triangular portion of Lot 95 which is west of New Leicester Highway and borders the Old County Home Road and the Asheville Moose Lodge property, be rezoned from OI Office Institutional District to CS Commercial Service District.

Mrs. Lee Phieffer, 11 Chunn's View Drive, spoke in favor of the rezoning. She said the rezoning would prevent any further damage.

Mr. Sam McElroy of Mountain Brook Subdivision, also spoke in favor of the rezoning.

Mr. Herb Moore of Mountain Book Subdivision, spoke in favor of the rezoning. He said the majority of the property owners in Chunn's Cove are in favor of the rezoning. He said he did not see how action by the City Council to rezone the property could interfere with the cases now pending in the courts since they are two separate issues. He requested a unanimous vote of Council in favor of the rezoning.

Ward Hendon, attorney for Asheville Contracting Company, suggested that as long as litigation is pending regarding the waste area of the highway construction project, that no action be taken by the City Council on the petition to rezone the property. He said action by the courts on the suits could affect the rezoning. He said until the cases are settled Council could not determine the best use of the land, which is the intent of zoning property.

Mr. Hendon indicated that Asheville Contracting Company was not advised of the hearing before the Planning and Zoning Commission and therefore was not represented.

Councilman Morris noted that the rezoning petition was filed in March, 1979 and if the owner of the "rock pile" wanted to develop the property prior to Council's action on the rezoning he could have done so. He said he did not think a moratorium on the issuance of permits in the area would be necessary.

Upon inquiry of Vice-Mayor Horton, Mr. Emrick advised that over 200 notifications were mailed out notifying them of the hearing before the Planning and Zoning Commission.

Councilman Michael questioned the legality and technicality of the "20% rule."

Mr. Erwin Cort, owner of a portion of the property proposed to be rezoned, spoke in opposition to the rezoning. He said he was not adequately notified of the hearing before the Planning and Zoning Commission. He said he was opposed to the Planning and Zoning Commission including his property in the rezoning to R-1 Single Family Residential District and opposed to the residents of the area using his property as a buffer. He requested that his property be omitted from the proposed rezoning to R-1 Single Family Residential District.

Mr. Lawrence Hunnicutt of 49 Old Chunn's Cove Road opposed the rezoning.

Mr. Glenn Hunnicutt of Chunn's Cove Road also opposed the rezoning.

Mr. Shelby Horton of Rollingwood Road opposed the rezoning. He said Council should consider the best use of the land and in his opinion the R-1 Single Family Residential District is not the best use of the land.

through the subdivision is in need of extensive repairs to upgrade the line and relieve pressure of overloading. He said Mr. Ron Butler of Butler Associates in a letter dated July 6, 1979 to the City Manager indicated that Butler Associates will install an eight inch sewer line from their connecting point inside their property in a westerly direction to the existing Haw Creek Collection line. He said this eight inch line will replace the existing six inch line and will be installed in the same easement. The installation of this new line will conform to the following:

- 1) The City of Asheville is to insure right-of-way and permission to work on easement across other property owners.
- 2) Work and materials to conform to the City of Asheville's specifications.
- 3) City of Asheville is to reimburse Butler Associates the cost of upgrading the six inch line and they will pay the remaining cost of materials and installation of the eight inch line. The reimbursement is due to the Pinedale sewer line being top priority on the City's list for repairs and the City's requirement that Butler Associates increase the size to an eight inch line.

Mr. Emrick said Butler Associates have agreed under the above conditions to replace the six inch line with an eight inch line for a distance of approximately 750'.

Bill DeBruhl, Water and Sewer Director, recommended that Council approve the conditions for the replacement of the six inch sewer line by Butler Associates. He said the Pinedale Sewer is a top priority on the City's list for repairs and he has earmarked \$40,000 to upgrade the entire Pinedale Sewer. He said about \$3,000 of this cost would be absorbed by Butler Associates if Council approves the subdivision with the conditions outlined by Mr. Butler.

Councilwoman Price moved to approve the final plat of the Pinedale Subdivision on the condition that Butler Associates install the eight inch sewer line as outlined in his letter to the City Manager dated July 6, 1979. This motion was seconded by Councilman Morris and carried unanimously.

FUNDING APPROVED FOR PINEDALE SEWER LINE

10. After discussion, Councilwoman Price moved to allocate \$40,000 of the Water and Sewer Budget for the upgrading and repairs to Pinedale Sewer Line. This motion was seconded by Councilman Rainey and carried unanimously.

BUDGET AMENDMENT - FUNDING FOR STREET PAVING AND WATER FUND CAPITAL IMPROVEMENTS

11. The City Manager presented the following budget amendment to be considered by Council. He said this budget amendment is the result of funds received from the Sinking Fund Commission.

That the City of Asheville Fiscal 1979/80 Operating Budget be amended as follows:

General Fund	Increase (Decrease)
Appropriations:	
General Debt Service	
Contributions to other Funds	(\$626,316)

Mr. Farick, by the use of a map, reviewed the location of the property to be rezoned. He said the owner of the property wishes to develop a shopping center on the site. He said there has been no opposition voiced relative to the rezoning request.

Mayor Trantham closed the public hearing at 5:20 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved to adopt Ordinance No. 1122. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1122 passed on first reading.

ORDINANCE NO. 1123 - AN ORDINANCE AMENDING THE SANITATION CODE OF THE CITY OF ASHEVILLE

8. Consideration was given to an ordinance amending the Sanitation Code of the City of Asheville.

The City Manager read the ordinance stating that this would amend the Sanitation Code relative to the specifications for capacity of the rollout containers to provide a capacity of 80-100 gallons instead of 90-100 gallons.

Councilwoman Price moved for the adoption of Ordinance No. 1123. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1123 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1123. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1123 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1123. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1123 passed on third and final reading.

Complete text of Ordinance No. 1123 will be found in Ordinance Book No. 9 at page 38.

APPROVAL OF PINEDALE SUBDIVISION

9. Consideration was given to the approval of the Pinedale Subdivision.

Verl Emrick, Planning Director, said the Pinedale Subdivision is located in Haw Creek off Bull Mountain Road and is being developed by Butler Associates. He said the subdivision includes nineteen (19) lots. He said the Planning Board approved the preliminary plat on April 4, 1979. He said a letter was received from the Street Department indicating that the streets in the subdivision were placed in a correct manner. He said the existing six (6) inch sewer line running

BUDGET AMENDMENT - SUPPORT FOR ART MUSEUM

13. The City Manager presented the following budget amendment:

That the City of Asheville Fiscal 1979-80 Operating Budget be amended as follows:

Civic Center Fund

Revenues:

Contribution from other funds	\$10,324
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Appropriations:

Salaries and Wages	\$ 7,259
FICA	445
Group Insurance	420
Janitorial Supplies	1,000
Contracted Services	<u>1,200</u>
	<u>\$10,324</u>

This amendment would be to restore funding for direct support of the Art Museum.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried on a voice vote of 6-1, with Councilman Rainey voting "no."

Councilman Rainey was excused from the meeting at 5:41 p. m.

NAMING OF STREET AS OLD ASHELAND AVENUE

14. The City Manager reported that the Community Development/Housing Authority Liaison Committee has recommended that a section of street from the intersection of Tolula Lane behind Hart's Funeral Home to an existing cul-de-sac at the end of the street to Old Asheland Avenue due to two houses remaining on the particular street in the course of the Urban Renewal Redevelopment.

Councilwoman Price moved to accept the recommendation of the Community Development/Housing Authority Liaison Committee to name that section of street, as described by the City Manager, to "Old Asheland Avenue." This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

15. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Streets	
Contracted Construction	500,000
Nondepartmental Contingency	<u>126,316</u>
Water Fund	
Department wide expense	
Debt Service - Bond Payments	100,859
Capital Improvement Reserve	<u>100,859</u>

This amendment would be to reduce Fiscal 1979/80 debt service appropriations and to provide funding for street paving and to reflect a return to the General and Water Funds of interest earnings on debt service fund investments.

Councilman Rainey moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - FUNDING FOR OUTSIDE AGENCIES

12. The City Manager presented the following budget amendment to fund the outside agencies at the same level of funding as Fiscal 1978-79.

That the City of Asheville Fiscal 1979-80 Operating Budget be amended as follows:

General Fund	Increase (Decrease)
<u>Appropriations:</u>	
Nondepartmental Contingency	(\$59,639)
<u>Inter/Extra Government Services:</u>	
Contingency	\$67,782
WNC Development Corporation	(2,500)
Buncombe County Rescue Squad	(2,500)
Community Relations Council	<u>(3,143)</u>

This amendment would restore funding to outside agencies at the Fiscal 1978/79 funding levels.

Upon inquiry of Councilwoman Price, the City Manager reported that the City Staff had investigated these agencies to determine if they legally qualified for city funds and it was determined that they were. He said, however, that the City would be requiring a contract with the agencies before any funding is made.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried on a voice vote of 6-1, with Councilman Rainey voting "no."

Upon motion of Vice-Mayor Horton, seconded by Councilman Michael, the consent agenda was unanimously approved.

CLAIMS - MRS. GEORGE SHERLIN

The City Manager presented the following claims received from Mr. W. R. Swearingan, Facility Services Superintendent:

Following individual has a claim against the City of Asheville for damage:

Mrs. George Sherlin
40 Harnett Street
West Asheville, N. C.

Sewer back-up - property damage

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 79-149 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH W & W CONTRACTORS, INC., FOR THE PROJECT KNOWN AS WESTOVER-PEARSON DRIVE 8-INCH SEWER LINE

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W & W Contractors, Inc. for the project known as Westover-Pearson Drive 8-inch sewer line.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Michael, Resolution No. 79-149 was unanimously adopted.

Complete text of Resolution No. 79-149 will be found in Resolution Book No. 11 at page 248.

AUDITS - APPALACHIAN REGIONAL GRANT FUND PROGRAM/CHARLOTTE HIGHWAY WATER LINE-COMMUNITY DEVELOPMENT BLOCK GRANT

The City Manager reported that audits have been received for the Appalachian Regional Grant Program/Charlotte Highway Water Line and the Community Development Block Grant. He said copies of the audits are available for inspection.

J. E. JOHNSON RECOGNIZED - AWARDED BUILDING INSPECTOR OF THE YEAR

Mr. J. E. Johnson, Director of Inspections, was recognized for receiving the "Building Inspector of the Year" Award which was presented during the North Carolina Building Inspector's Association Convention in June.

ENDORSEMENT OF PROMOTION PROGRAM SPONSORED BY THE ASHEVILLE REVITALIZATION COMMISSION

Verl Emrick, Planning Director, advised that the Asheville Revitalization Commission is sponsoring a promotional program on August 9, 10, and 11, 1979 in the downtown area. He said this would require the closing of a portion of Haywood Street from Haywood Street and Page Avenue to the Library. He said included in the program will be arts, cultural arts, street vendors, etc. He said this would require several thousand dollars for advertisements and promotional activities.

- A. Resolution No. 79-144 - Resolution authorizing the Mayor to execute a right-of-way agreement with the North Carolina Department of Transportation concerning an 8-inch water main.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for the 8-inch water main under S. R. 3526 which will service Airport Plaza, a commercial development.

Resolution Book No. 11 Page 242

- B. Resolution No. 79-145 - Resolution of intent to close a portion of Alabama Avenue and calling a public hearing on the question for August 16, 1979.

HIGHLIGHTS: A petition has been received from Charles Leroy Sherlin and wife, Betty McKinney Sherlin to close a portion of Alabama Avenue. With the exception of the State Highway Commission, petitioners are the owners of all property adjacent to the portion of Alabama Avenue requested to be closed. Alabama Avenue was closed by the State Highway Commission on November 8, 1963 and has not been maintained by the City of Asheville since April, 1961.

Resolution Book No. 11 Page 243.

- C. Resolution No. 79-146 - Resolution authorizing the City Manager to accept an easement and maintenance of Crestwood Lane.

HIGHLIGHTS: The residents of Crestwood Lane has presented an executed easement and request the City of Asheville to maintain Crestwood Lane as a city street since it is the most feasible means of access to Lot 41-C.

Resolution Book No. 11 Page 245.

- D. Resolution No. 79-147 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company, Inc., for the project known as Rosscraggon-Appian Way 8-inch water line.

HIGHLIGHTS: Hobson Construction Company is the low bidder for installation of the 8-inch water line, in the amount of \$19,804.50. Funding for the project: 31-50-857-0-35-0041.

Resolution Book No. 11 Page 246

- E. Scheduling of a public hearing to amend Ordinance No. 954 amending the role of the Asheville Revitalization Commission for August 9, 1979.

- F. Resolution No. 79-148 - Resolution approving the Land-of-Sky Regional Council Regional Housing Opportunity Plan.

Resolution Book No. 11 Page 247

Thursday - July 19, 1979 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman Gene E. Rainey, F. Jack Cole, Ralph D. Morris, Jr., and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 12, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the July 12, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-150 - RESOLUTION IN MEMORY OF CARTER M. PRESLAR

2. Consideration was given to a resolution in memory of Carter M. Preslar, a former member of the Asheville City Council.

Councilman Morris read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 79-150 was unanimously adopted.

Complete text of Resolution No. 79-150 will be found in Resolution Book No. 11 at page 249.

PROCLAMATION - "BELE CHERE DAYS" - AUGUST 9, 10, 11, 1979

3. Mayor Trantham proclaimed August 9, 10, and 11, 1979 as "Bele Chere Days" in the City of Asheville.

Jim Daniels, of the Revitalization Commission, explained that "Bele Chere" is for beautiful living and the Revitalization Commission is sponsoring a special celebration in downtown on August 9, 10, and 11, 1979.

ORDINANCE NO. 1117 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 266 SOUTH BEAUMONT STREET, 17 HAMILTON STREET, AND 37 MAGNOLIA AVENUE

4. Consideration was given to the third reading of Ordinance No. 1117, an ordinance directing the Housing Officer to demolish those dwelling houses known as 266 South Beaumont Street, 17 Hamilton Street and 37 Magnolia Avenue.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1117 passed on third reading.

Complete text of Ordinance No. 1117 will be found in Ordinance Book No. 9 at page 29.

The City Manager said before granting permission to close the street he would require merchants on the street to sign a statement that they have no objection to the closing. He said the street vendors would be limited to downtown merchants. He suggested that Council endorse the program.

Councilwoman Price moved that the Asheville City Council support the promotional program, sponsored by the Asheville Revitalization Commission, for August 9, 10, and 11, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Adjournment.

Raymond W. Harrison *Marian F. Holcomb*
MAYOR CITY CLERK

ORDINANCE NO. 1122 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (New Leicester Highway - Green Hills Cemetery)

6. Consideration was given to the second reading of Ordinance No. 1122, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on New Leicester Highway from OI, Office Institutional District to CS Commercial Service District.

Mayor Trantham advised that the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1122 passed on second reading.

ORDINANCE NO. 1124 - AN ORDINANCE CONCERNING ALARM SYSTEM BUSINESSES, SYSTEMS AND USERS WITHIN THE CITY OF ASHEVILLE

7. Consideration was given to an ordinance concerning alarm system businesses, systems and users within the City of Asheville.

Chief Tucker, Chief of Police and Verl Emrick, Planning Director read the ordinance.

Ralph Bishop spoke in opposition to the ordinance.

Mr. T. C. Barnes of Asheville Telephone Answering Service, spoke in support of the ordinance. He said the monitoring of alarms should be the responsibility of private enterprise.

Mr. Steve Johnson of Southern Burglary Alarm Systems of Hendersonville spoke in favor of the private monitoring of alarms. He questioned whether or not the ordinance would permit monitoring of alarms by outside firms such as in Hendersonville or even out-of-state monitoring businesses.

Mr. Johnson proposed an amendment to the ordinance in Section 4 (B) (2) in that four false alarm days would be allowed within a six month period even though a permit has been revoked on a previous occasion.

Councilman Morris said, if it is legal, he would be in favor of requiring that alarms be monitored by local businesses.

Councilman Michael was excused from the meeting at 4:10 p. m.

Mr. Charles Culp of Bristol Electronics, spoke in favor of the ordinance. He said, if alarms are monitored by outside firms or even out-of-state businesses there would be no loss of communications. He requested that Council make the effective date of the ordinance nine (9) months from the date of adoption in order to give businesses time to comply with the ordinance.

Mr. Jim Brown of Brown Alarm Systems of Asheville, spoke in favor of the ordinance. He said he would be in favor of the amendment proposed by Mr. Steve Johnson.

131

ORDINANCE NO. 1121- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (CHUNNS COVE AREA)

5. Consideration was given to the second reading of Ordinance No. 1121, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended rezoning property in the Chunns Cove area from R-2 Residential District to R-1 Single Family Residential District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Morris moved to table Ordinance No. 1121, noting that the City Attorney has suggested that Council defer action on the rezoning until suits in the federal and state courts relative to the property in question, are settled. This motion died for the lack of a second.

Verl Emrick, Planning Director, reviewed the amendments made to the ordinance during the first reading, noting that the Cort and Hunnicutt properties were excluded from the rezoning. He said Mr. Cort has withdrawn his protest, therefore the "20% rule" or 3/4 favorable vote would not apply. He said it would only require a simple majority vote of Council to pass the ordinance.

Mr. Emrick said during the Council agenda session on Tuesday, Council requested several amendments to Ordinance No. 1121. He then read the revised ordinance incorporating the amendments requested by Council.

Councilwoman Price moved to amend Ordinance No. 1121 as read by the Planning Director. This motion was seconded by Councilman Rainey and carried unanimously.

Ward Hendon, attorney representing Asheville Contracting Company, said his client is the owner of the property proposed to be rezoned. He said if Council rezones the property they would be doing so against the will of the property owner. He again contended that Council should consider the best use of the land.

Mr. Hendon questioned whether or not a written protest opposing the rezoning can be verbally withdrawn since the Zoning Ordinance requires a written protest. Mr. Hendon was referring to the Cort's protest being withdrawn verbally.

Mr. Hendon further commented that he had been in contact with Mr. Bob Long, the attorney representing the homeowners in Chunn's Cove regarding the law suits now pending in the state and federal courts. He said they are pursuing a compromise or a solution that would satisfy both the homeowners and Asheville Contracting Company.

Mr. Herb Moore of Chunns Cove spoke in favor of the rezoning.

On a roll call vote of 6-1, Ordinance No. 1121, as amended, passed on second reading with Councilman Morris voing "no."

Councilwoman Price moved to postpone the third reading of Ordinance No. 1121 until August 2, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Michael requested that Mr. Emrick contact Mr. Cort, Mr. Hunnicutt, and Asheville Contracting Company and obtain written statements as to their position on the rezoning.

Councilwoman Price moved for the adoption of Resolution No. 79-152 with the provision that the Tree Commission, through its Chairman or Anthony Lord, is assured that the tree will not be permanently damaged by and during the construction of the bus shelter. This motion was seconded by Councilman Rainey and carried unanimously.

Complete text of Resolution No. 79-152 will be found in Resolution Book No. 11 at page 251.

RESOLUTION NO. 79-153 - RESOLUTION CHANGING THE REGULAR TIME OF THE CITY COUNCIL MEETING

10. Consideration was given to a resolution changing the regular time of the City Council meeting.

The City Manager read the resolution changing the regular time of the City Council meeting from 3:00 p. m. on Thursday to 4:00 p. m. each Thursday.

Upon motion of Councilman Cole, seconded by Councilman Rainey, Resolution No. 79-153 was unanimously adopted.

Complete text of Resolution No. 79-153 will be found in Resolution Book No. 11 at page 252.

RESOLUTION NO. 79-154 - RESOLUTION REQUESTING THAT THE SOUTHERN RAILWAY STATION IN BILTMORE NOT BE DEMOLISHED

11. Consideration was given to a resolution requesting that the Southern Railway Station in Biltmore not be demolished.

Verl Emrick read the resolution. He said it was brought to the attention of Council that a notice appears on the door of the Southern Railway Station in Biltmore relative to the selling or dismantling of the building. He said Council directed that a resolution be prepared requesting that the Station not be demolished due to the historic value of the station and hopes that passenger service could be restored to the area.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-154 was unanimously adopted.

Complete text of Resolution No. 79-154 will be found in Resolution Book No. 11 at page 253.

APPROVAL OF SIGN PERMITS - NEAGLE SIGN COMPANY

12. Consideration was given to the approval of six (6) sign permits for Neagle Sign Company.

Mr. V. B. Bradley, of the Inspections Division, reported that Neagle Sign Company has requested approval of six (6) sign permits which will be within 600 feet of an expressway. He then reviewed the location of each sign.

It was the consensus of Council that the proposed amendments be incorporated in the ordinance and presented on the second reading.

Councilman Rainey moved for the adoption of Ordinance No. 1124. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1124 passed on first reading.

RESOLUTION NO. 79-151 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF THE PACK MEMORIAL LIBRARY BUILDING

8. Consideration was given to a resolution accepting the high bid and authorizing the sale of the Pack Memorial Library Building.

The City Manager read the resolution and explained that William C. Morris, Jr. and James N. Golding submitted the last and highest bid in the sum of \$122,250.00. He said this resolution will authorize the acceptance of the bid and authorize the Mayor to execute the documents for the sale of the library.

Upon inquiry of Council, Bill Morris said his firm's lease expires on December 31, 1979 and they would have to be out of their present quarters by then. He said the building would have to be designated as a historical building before any renovations are made in order to receive tax benefits. He said the designation should take about thirty (30) days.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-151 was unanimously adopted.

Complete text of Resolution No. 79-151 will be found in Resolution Book No. 11 at page 250.

RESOLUTION NO. 79-152 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH LIPE AND STAHL CONSTRUCTION COMPANY FOR CONSTRUCTION OF A BUS SHELTER AT PRITCHARD PARK

9. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contract with Lipe and Stahl Construction Company for construction of a bus shelter at Pritchard Park.

Verl Emrick, Planning Director, read the resolution explaining that the City of Asheville has received federal and state grant funds to be matched with local funds for the purpose of designing and constructing a bus shelter complex. He said Lipe and Stahl Construction Company submitted the low bid in the amount of \$22,729.00 for the construction of the bus shelter complex. He said the project would be completed within 120 days of notification to the contractor. He said there had been concerns expressed about the tree presently located in the park. He said the height and construction of the complex would not interfere with the tree.

Bill Moore, architect for the project, answered general questions of Council relative to the construction, security and the tree in the park. He said he has corresponded with members of the Tree Commission relative to the present condition of the tree. He said the contractor may have to remove a tree limb for the construction.

APPROVAL OF SIGN PERMIT - TELCO CREDIT UNION - 7 ORCHARD STREET

14. Consideration was given to the approval of a sign permit for Telco Credit Union for an identification sign at 7 Orchard Street (Ward 2, Sheet 2, Lot 186-187) which is within 600 feet of an expressway requiring the approval of the Council.

Mr. V. B. Bradley, of the Inspections Division, reviewed the location of the proposed sign.

After discussion, Councilman Cole moved for the approval of a sign permit for Telco Credit Union at 7 Orchard Street. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

15. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-155 - Resolution authorizing the Mayor to sign a contract with the State of North Carolina, Department of Human Resources Division of Health Services, for the fiscal year 1978-79 Water System Improvements Project.

HIGHLIGHTS: Resolution 78-207 authorized the filing of an application for State Water Bond funds for the FY '78 x '79 Water System Improvements Project. The total cost of the project is \$279,800.00. This will authorize the Mayor to sign any and all documents relative to the contract and implementation of the program.

Resolution Book No. 11 Page 254

- B. Approval of bids received July 2, 1979, for Chemicals for Treatment of Water, Fiscal Year July 1, 1979 through June 30, 1980.

HIGHLIGHTS: Twelve (12) bids were received.
Recommendation of awards as follows:

Moreland-McKesson Chemical Co.- Spartanburg, S. C.	
Item #1 - Liquid Chlorine	Approximately 200,000 pounds
@ \$11.50/CWT	\$23,000.00
Item #2 - Caustic Soda 50%	Approximately 400,000 pounds
@ \$6.90/CWT	\$27,600.00

Council then reviewed each sign and voted individually on the following signs:

- (1) 12' x 50' billboard sign- Riverside Drive Ward 3, Sheet 6, Lot 35-1/2

After discussion, Councilman Morris moved for the approval of the 12' x 50' billboard sign to be located on Riverside Drive. This motion was seconded by Councilman Cole and carried on a voice vote of 4-2, with Councilwoman Price and Councilman Rainey voting "no."

- (2) 12' x 25' - Outdoor advertising sign - Tunnel Rd. at Chunns Cove Road - Ward 8, Sheet 25, Lot 24

After discussion, Councilman Cole moved to approve the sign permit for a 12' x 25' outdoor advertising sign at Tunnel Road and Chunns Cove Road. This motion was seconded by Councilman Rainey and carried unanimously.

- (3) 14' x 48' - 3 S. Tunnel Road - billboard sign - Ward 8, Sheet 21, Lot 12

After discussion, Councilman Morris moved for the approval of the 14' x 48' billboard sign to be located at 3 S. Tunnel Road. This motion was seconded by Councilman Cole. The motion was defeated on a 3-3 voice vote, with Mayor Trantham, Councilmen Morris and Cole voting "aye" and Vice-Mayor Horton, Councilwoman Price, and Councilman Rainey voting "no." *(approved on 8/16/79)*

*** Councilman Rainey was excused from the meeting at 5:25 p. m.

- (4) 14' x 48' - I-240 Ward 7, Sheet 51, Lot 38

After discussion, Councilman Morris moved to table action on the sign permit until I-240 is complete. This motion was seconded by Councilman Cole and carried unanimously.

- (5) 14' x 48' - I-240 - Ward 8, Sheet 21, Lot 12

After discussion, Councilman Morris moved to table action on the sign permit until I-240 is complete. This motion was seconded by Councilman Cole and carried unanimously.

- (6) 300 square foot sign - U. S. 74 - Ward 7, Sheet 51, Lot 37

After discussion, Councilman Morris moved for the approval of the 300 square foot sign to be located on U. S. 74. This motion was seconded by Vice-Mayor Horton and carried unanimously.

APPROVAL OF SIGN PERMIT - LEE TOWERY - 34 ORCHARD STREET

13. Consideration was given to the approval of a sign permit for Mr. Lee Towery at 34 Orchard Street (Ward 2, Sheet 2, Lot 173) which is within 600 feet of an expressway.

Mr. V. B. Bradley of the Inspections Division, reviewed the location of the proposed sign.

After discussion, Councilwoman Price moved to approve the sign permit for Lee Towery at 34 Orchard Street. This motion was seconded by Councilman Cole and carried unanimously.

- G. Resolution No. 79-158 - Resolution appointing members to the Planning and Zoning Commission.

HIGHLIGHTS: Mrs. Pauline Tennant, Mr. Cleatus B. Tate, Mr. William C. Frue, Mr. Steve Mitchell were reappointed the Planning and Zoning Commission.

Resolution Book No. 11 Page 257.

- H. Resolution No. 79-159 - Resolution appointing members to the Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: Mr. Frank Cox, Mr. William F. Wolcott, III, Mr. Mike Cox, Mr. Michael Hull, and Ms. Betty Lawrence were appointed to the Commission.

Resolution Book No. 11 Page 258.

- I. Resolution No. 79-160 - Resolution appointing members to the Library Board.

HIGHLIGHTS: Mrs. Charles Frank and Mr. Walter McGuire were reappointed to the Library Board.

Resolution Book No. 11 Page 259.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

VICE-MAYOR HORTON - ILLEGAL MUFFLERS

Vice-Mayor Horton said he had read about a new device in Evansville, Indiana that could easily detect illegal mufflers. He requested that the City Manager obtain all the information he could about the device and to determine if it would be beneficial to the City of Asheville.

CLAIMS - MS. CATHY McDARIS

The City Manager presented the following claim received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individual has a claim against the City of Asheville for damage:

Ms. Cathy McDaris
158 Glendale Avenue
Asheville, N. C.

Damage to automobile, hit hole in street

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

Thompson-Hayward Chemical Co. - Thomasville, N. C.

Item # 3 - Liquid Hydrofluosilicic Acid - Approximately 280,000 pds
 @ \$60.90/Ton \$8,526.00

Calgon Corporation - Pittsburgh, Pa.

Item #4 - Dry Zinc Polyphosphate - Approximately 105,000 pounds
 @\$0.4545/Pound \$47,722.50

Nalco Chemical Co. - Oakbrook, Ill.

Item #5 - Liquid Cationic Polyelectrolyte - Approximately 36,000
 @ \$0.2784/Pound pds- \$10,022.40

Funding: Chemical and Laboratory Supplies Account Code:
 30-5-731.0032

- C. Scheduling of a public hearing relative to an amendment to the Community Development Block Grant Application for August 9, 1979.

- D. Approval of bids received July 2, 1979 for an estimated six (6) months requirements for cast iron water main fittings for the Water and Sewer Department.

HIGHLIGHTS: Recommendation of lowest responsive bidder on all items.

Funding: Water and Sewer Operations Fund- Inventory Stock
 Funding: 30-140

- E. Resolution No. 79-156 - Resolution authorizing the submission of an application to the Buncombe County Employment and Training Office for Comprehensive Employment Training Act funds for fiscal year 1979-80.

HIGHLIGHTS: This will allow authorization to submit an application to the Buncombe County Employment Training Office for CETA funds.

Resolution Book No. 11 Page 255

- F. Resolution No. 79-157 - Resolution appointing members of the Board of Electrical Examiners and Board of Motion Picture Operators.

HIGHLIGHTS: Mr. Frank Davis, Mr. Larry Keenan, Mr. Walter Harlow, Mr. J. Michael Boozer, and Mr. Malachie Cromartie were appointed as members of the Board of Electrical Examiners.

Mr. L. B. Simmons and Mr. Roy Gibbs were appointed as members of the Board of Motion Picture Operators.

Resolution Book No. 11 Page 256

PETITION - RATES AT MALVERN HILLS POOL

The City Manager presented a petition from residents of West Asheville who swim at Malvern Hills Pool complaining about the increase in rates and the rental of locker space.

It was the consensus of Council that the petition be submitted to the Parks and Recreation Advisory Board for investigation and recommendation.

Vice-Mayor Horton requested that action be taken on the petition as soon as possible.

JACKIE KETTLESON - CERTIFICATE OF OCCUPANCIES FOR DWELLINGS

Jackie Kettleson, a local realtor, said she was having problems with the issuance of Certificate of Occupancies for houses. She said the present law is unequitable for realtors and brokers compared to private homeowners. She said a "double standard" should be used in that it was almost impossible to bring an old house up to new home standards.

It was the consensus of Council that the Mayor would appoint a committee to review the present ordinance relative to Certificate of Occupancies.

Vice-Mayor Horton requested that Council have a work session on the ordinance.

RALPH BISHOP - REDRESS OF COUNCIL

Ralph Bishop spoke to Council relative to redress from Council.

Adjournment.

Ray H. Horton
MAYOR

Marian J. Volante
CITY CLERK

RESOLUTION NO. 79-161 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WATER LINES IN GLEN MEADOWS SUBDIVISION

Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the water lines in Glen Meadows Subdivision.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79-161 was unanimously adopted.

Complete text of Resolution No. 79-161 will be found in Resolution Book No. 11 at page 260.

RESOLUTION NO. 79-162 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WATER LINES IN MUIRFIELD SUBDIVISION

Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the water line in Muirfield Subdivision.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79-162 was unanimously adopted.

Complete text of Resolution No. 79-162 will be found in Resolution Book No. 11 at page 261.

RESOLUTION NO. 79-163 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WATER LINES IN TURNBERRY SUBDIVISION

Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the water lines in Turnberry Subdivision.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79-163 was unanimously adopted.

Complete text of Resolution No. 79-163 will be found in Resolution Book No. 11 at page 262.

PETITION - RESIDENTS OF SYLVAN AVENUE -REQUESTING SIGNS AND SPEED BREAKERS

The City Manager presented a petition received from residents of Sylvan Avenue requesting signs and speed breakers. He said the petition would be submitted to the Department of Public Works for investigation.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Chief Tucker said a new provision has been added to the ordinance, since the first reading, Section 3B. He said the purpose of this new sub-section is to impose an alarm monitoring fee to alarm users whose systems are monitored by the Police Department. A fixed rate or formula for setting the rate is not included. This will allow changing the rate and/or manner in which it is determined according to future needs without having to amend the ordinance. The current intention is to survey rates charged by local alarm monitoring agencies, and set the City rate at the private rate average. Preliminary research indicates that a City charge ranging from between \$8.00 and \$12.00 per month per alarm system would be a fair and equitable charge. Currently there are 70 alarm users that meet the criteria set in Section 3A, to continue to have their systems monitored by the Police. These include, 34 Banks (includes branch banks); 6 Savings and Loan Associations; 11 State agencies (8 ABC Stores, SBI, National Guard, and State Employees Credit Union); 17 City owned systems; and 2 Federal systems (FBI and Army Reserve). It is expected that billing would occur pursuant to administrative procedures adopted at a later date.

He said in Section 4 Sub-section B.(2) the wording has been changed from, "... that if two or more false alarms occur within the next six month period, the permit will be revoked as herein provided."; to ".... that if two or more false alarm days occur within the next six month period, the permit may be revoked as herein provided." It is felt that to increase the number of false alarm days allowed during the second six month period would merely delay corrective action.

He said in Sub-section B.(3) of Section 4, the wording has been changed from " or if two or more false alarms are...." to "..... or if two or more false alarm days are...." Also in Subsection B. (6) "Alarm System Company" has been changed to "Alarm System Business." He said the last two amendments were made at the request of the businesses during the first reading of the ordinance.

Councilwoman Price said she would be in favor of making the effective date of the ordinance nine (9) months after adoption in order to give the businesses and users time to comply with the ordinance.

Vice-Mayor Horton moved to amend Ordinance No. 1124 to incorporate the changes as presented by Chief Tucker and to make the effective date of the ordinance nine (9) months after adoption. This motion was seconded by Councilwoman Price and carried unanimously.

Mr. David Ivey, Carolina Business Equipment, questioned how the ordinance would save the City money.

Chief Tucker explained the ways in which it would save money. He said it would particularly save money administratively.

Thursday, July 26, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton
Councilwoman Norma T. Price and Councilman Otis B. Michael, Corporation Counsel
William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk
William F. Wolcott, Jr.

Absent: Councilmen Gene E. Rainey, F. Jack Cole and Ralph D. Morris, Jr.

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 19, 1979 meeting.

The City Clerk noted that Councilman Rainey had called in an amendment to the minutes which would be noted in the minutes.

Councilwoman Price moved for the approval of the minutes of the July 19, 1979 meeting with the amendments noted by the City Clerk. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 1122 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (New Leicester Highway - Green Hills Cemetery)

2. Consideration was given to the third reading of Ordinance No. 1122, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on New Leicester Highway from OI, Office Institutional District to CS Commercial Service District.

Mayor Trantham advised that the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1122 passed on third and final reading.

Complete text of Ordinance No. 1122 will be found in Ordinance Book No. 9 at page 37.

ORDINANCE NO. 1124 - AN ORDINANCE CONCERNING ALARM SYSTEM BUSINESSES, SYSTEMS AND USERS WITHIN THE CITY OF ASHEVILLE

3. Consideration was given to the second reading of Ordinance No. 1124, an ordinance concerning alarm system businesses, systems and users within the City of Asheville.

BIDS - BULK CONTAINER REFUSE COLLECTION FOR VARIOUS CITY DEPARTMENTS

6. Consideration was given to bids received July 9, 1979 for bulk container refuse collection for various city departments.

The City Manager said when it was determined that the City would no longer be in the bulk container business this item was let out to bid on July 9, 1979 and the low bid was received from Asheville Sanitation Service Company (ASSCO) in the amount of \$5.25 per unit per pickup. He said the City had to determine which agencies would be included in the contract. He said it was decided that the contract would not accommodate the Asheville City Schools or the Asheville Housing Authority because no money was budgeted for this service.

Mr. Mike Smith, Director of Administration, said during a meeting with the agencies it was decided that the Asheville City Schools and the Asheville Housing Authority would negotiate their own contract with ASSCO based on the low bid price. He said the amount estimated for the city departments is approximately \$6,344.00. He said the amount could be reduced by the elimination of some of the city units.

Councilwoman Price moved to approve the bid received from ASSCO in the amount of \$5.25 per unit per pickup. This motion was seconded by Vice-Mayor Horton and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager noted that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-166 - Resolution authorizing the Mayor to execute agreement terminating United Air Lines' Tank Farm Lease at Asheville Airport.

HIGHLIGHTS: United discontinued air service to the Asheville Airport effective March 8, 1979 and has ceased using the tank farm. United has requested a formal termination of said Tank Farm Agreement.

Resolution Book No. 11 at page 265 .

149

Mr. Steve Johnson, Southern Burglary Alarm Business, said he had contacted the attorney which represents the Burglary Alarm Association and the attorney said in general it was a good ordinance. He said the attorney did question the provision in Section 3 which provides that certain alarm users would be allowed to continue to have their systems monitored by the Police Department. He said this might leave the City of Asheville open to a law suit on the grounds of being unconstitutional.

Mr. Ralph Bishop asked why the monitoring of alarms cost the City \$80,000.

On a roll call vote of 4-0, Ordinance No. 1124, as amended, passed on second reading.

RESOLUTION NO. 79-164 - RESOLUTION ESTABLISHING FILING FEE FOR 1979 ASHEVILLE MUNICIPAL PRIMARY AND ELECTION

4. Consideration was given to a resolution establishing filing fee for 1979 Asheville Municipal Primary and Election.

The City Manager read the resolution. He said he had received a letter from Mr. William D. Britt, Chairman of the Buncombe County Board of Elections advising that N.C.G. S. 163-291(3) requires that the governing body of a municipality set the filing fee for the primary. He said the deadline for that resolution is the Friday before the eighth Saturday before the primary, which would be August 3rd. The above mentioned statute gives the Council the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought. He said the proposed resolution sets the filing fee at \$18.00.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-164 was unanimously adopted.

Complete text of Resolution No. 79-164 will be found in Resolution Book No. 11 at page 263

RESOLUTION NO. 79-165 - RESOLUTION AUTHORIZING THE PARKS AND RECREATION ADVISORY BOARD TO ESTABLISH ANNUAL PERMITS FOR ASTON PARK TENNIS COURTS

5. Consideration was given to a resolution authorizing the Parks and Recreation Advisory Board to establish annual permits for Aston Park Tennis Courts.

The City Manager presented a letter received from Mr. William Pfeiffer, Vice-Chairman of the Parks and Recreation Advisory Board, which stated that the Asheville Parks and Recreation Advisory Board, at its meeting on July 11, 1979, voted unanimously to ask City Council for permission to institute an annual playing permit at Aston Park Tennis Courts, the cost of said permit to be not less than fifty (\$50) dollars, and that the Advisory Board be empowered to establish such a permit at the rate and time which they feel is in the best interest of the City of Asheville. The City Manager then read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 79-164 was unanimously adopted.

Complete text of Resolution No. 79-164 will be found in Resolution Book No. 11 at page 264.

BUDGET AMENDMENT - SUPPORTING ADVERTISEMENT OF "COOL GREEN ASHEVILLE"

8. The City Manager presented a budget amendment to support the continuation of the advertising for the "Cool Green Asheville." He said the amount would be \$5,000 and would be used for advertisement. He said the funds would be taken from Contingency and put into the Inter-Extra Governmental Services Cool Green Asheville Project. He said since tourism affects the sales tax revenue the City receives he felt the \$5,000 would be well spent.

Vice-Mayor Horton noted that the County of Buncombe has agreed to contribute \$10,000.

Mayor Trantham also noted that this amount would not be going into the Chamber of Commerce's budget but into the Cool Green Asheville Project.

Vice-Mayor Horton moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

CLAIMS - MS. KATHLEEN GARREN - J. E. ANDERSON - MR. FRED CAIRENS - MR. ANTHONY C. JACKSON - ANGELO GUS DOTSIKAS

9. The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against City of Asheville for damage:

Ms. Kathleen Garren 56 Pearson Drive Asheville, N. C.	Broke shoulder on tennis court
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J. E. Anderson 16 Willow Brook Road Asheville, N. C.	Dispute over zoning ordinance
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Mr. Fred Cairns 26 Willow Brook Road Asheville, N. C.	Dispute over zoning ordinance
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Claims sent to St. Paul Fire and Marine Insurance:

Mr. Anthony C. Jackson 178 Buchanan Avenue Asheville, North Carolina	Damage to auto hit by City vehicle
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Angelos Gus Dotsikas 20 Chunns View Drive Asheville, N. C.	Damage to auto sideswiped by City vehicle.
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Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

- B. Resolution No. 79-167 - Resolution authorizing the Mayor and City Clerk to execute agreement with Smoky Mountain Region of Porsche Club of America concerning autocross event at Asheville Airport.

HIGHLIGHTS: Smoky Mountain Region of Porsche Club of America (SMR/PCA) wishes to use a portion of the Asheville Airport for an autocross event which has been tentatively scheduled for July 26 through August 2, 1981 and the event can be held without interfering with the normal operation of the airport. This resolution will authorize the Mayor to execute an agreement with SMR/PCA for the event.

Resolution Book No. 11 at page 266.

- C. Resolution No. 79-168 - Resolution authorizing the Mayor and City Clerk to execute agreement with the Buncombe County Rescue Squad.

HIGHLIGHTS: The City of Asheville provides funds to the Buncombe County Rescue Squad for services to be provided within the corporate limits of the City and this resolution will authorize the execution of a Letter of Agreement with the Buncombe County Rescue Squad for mutual aid and rescue services.

Resolution Book No. 11 at page 267.

- D. Resolution No. 79-169 - Resolution appointing a member to the Asheville Area Civic Center Commission.

HIGHLIGHTS: Mr. Charlie David will be appointed as a member of the Commission, pursuant to Ordinance No. 1120.

Resolution Book No. 11 at page 268.

- E. Resolution No. 79-170 - Resolution appointing a member to the Recreation Board for the City of Asheville.

HIGHLIGHTS: Mr. William Rocamora will be reappointed to the Board.

Resolution Book No. 11 at page 269.

- F. Approval of a budget amendment amending the Asheville-Buncombe Revitalization Fund budget to provide funding for the Bele Chere Festival. Funds to be provided by contributions generated by the Revitalization Commission. The amount of the amendment to be \$5,014.00.

Upon motion of Councilwoman Price, seconded by Councilman Michael, the consent agenda was unanimously adopted.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ESCROW AGREEMENT WITH CHAMPION CONTRACTING COMPANY IN CONNECTION WITH RUNWAY EXTENSION PROJECT AT ASHEVILLE AIRPORT

10. Consideration was given to a resolution authorizing the Mayor to sign escrow agreement with Champion Contracting Company in connection with Runway Extension Project at Asheville Airport.

The City Manager read the resolution. He said the City of Asheville has a contract with Champion Contracting Company for construction of a 1500-foot runway and taxiway extension at the Asheville Airport and under the contract the City makes periodic progress payments for work performed by Champion but retains 10% of the earned monies. He said Champion desires that said retainage be placed in an interest-bearing escrow account until the final payment is made and this resolution would authorize the Mayor to sign the escrow agreement.

Several members of Council questioned the legality of the escrow agreement stating they felt this was an unusual request.

The City Manager advised that the contract between the City of Asheville and Champion Contracting Company provides for such an agreement.

It was the consensus of Council to delay action on the resolution until members of Council had an opportunity to review the contract.

RESOLUTION NO. 79-171 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH SOUTHEAST ASSOCIATES OF ASHEVILLE CONCERNING ONE WATER LINE

11. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with Southeast Associates of Asheville concerning one water line.

The City Manager read the resolution and explained that the encroachment agreement is for a water line to be constructed on U. S. 25, Buncombe County, North Carolina (Asheville-Hendersonville Highway).

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-171 was unanimously adopted.

Complete text of Resolution No. 79-171 will be found in Resolution Book No. 11 at page 270.

RALPH BISHOP -LOTTERY SALES - REDRESS OF COUNCIL

Mr. Ralph Bishop again spoke to Council relative to the lottery sales in Asheville and redress from Council.

Adjournment.


MAYOR


CITY CLERK

Verl Emrick, Planning Director, advised that he has received additional written protests to the rezoning in Chunn's Cove and the protests amounted to a 33% protest which would require a 3/4 favorable vote by Council to adopt the ordinance. He said the ordinance would have to carry on at least six (6) favorable votes.

APPROVAL OF TWO (2) SIGN PERMITS FOR NEAGLE SIGN COMPANY

4. Consideration was given to the approval of two (2) sign permits for Neagle Sign Company. The signs to be considered are two (2) 14' x 48' signs to be located at 766 Patton Avenue and on Tunnel Road. The signs are located within 600 feet of the expressway which requires the approval of Council.

Councilman Morris moved to postpone action on the signs until August 16, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Morris commented that he felt it would be better if all members of Council were present before action is taken on the sign permits.

ORDINANCE NO. 1124 - AN ORDINANCE CONCERNING ALARM SYSTEM BUSINESSES SYSTEMS AND USERS WITHIN THE CITY OF ASHEVILLE

5. Consideration was given to the third reading of Ordinance No. 1124, an ordinance concerning alarm system businesses, systems and users within the City of Asheville.

Mayor Trantham said the Corporation Counsel has recommended that the third reading of the ordinance be delayed until August 9, 1979 in order to give ample time to answer the constitutional question raised during the second reading of the ordinance.

Councilman Cole moved to postpone the third reading of Ordinance No. 1124 until August 9, 1979. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 1125 - AN ORDINANCE AMENDING ORDINANCE NO. 1065, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION"

6. Consideration was given to an ordinance amending Ordinance No. 1065, known as "AN ORDINANCE ESTABLISHING AN ADVISORY BODY KNOWN AS THE ASHEVILLE TREE COMMISSION."

The City Manager read the ordinance and explained that this ordinance would increase the commission members from seven to nine members, as requested by the Asheville Tree Commission.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1125. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1125 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1125. This motion was seconded by Councilman Cole and carried unanimously.

Thursday - August 2, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilmen F. Jack Cole and Ralph D. Morris, Jr., Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price, Councilmen Gene E. Rainey and Otis B. Michael, and Corporation Counsel William C. Moore

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 26, 1979 meeting.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, the minutes of the July 26, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-172 - RESOLUTION IN MEMORY OF STATE REPRESENTATIVE MARY C. NESBITT

2. Consideration was given to a resolution in memory of State Representative Mary C. Nesbitt.

Councilman Cole read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Morris, Resolution No. 79-172 was unanimously adopted.

Complete text of Resolution No. 79-172 will be found in Resolution Book No. 11 at page 271.

ORDINANCE NO. 1121 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Chunns Cove Area)

3. Consideration was given to the third reading of Ordinance No. 1121, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the Chunns Cove Area from R-2 Residential District to R-1 Single Family Residential District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Cole moved to postpone the third reading of Ordinance No. 1121, until all members of Council are present. This motion was seconded by Vice-Mayor Horton and carried unanimously.

- C. Resolution No. 79-175 - Resolution authorizing the Mayor and City Clerk to execute agreement with Western North Carolina Development Association.

HIGHLIGHTS: Western North Carolina Development Association promotes and fosters a number of projects to increase farm income in the Asheville area and to inspire community pride and beautification and the City of Asheville wishes to contract with said association for the implementation of these programs. This resolution will authorize the Mayor to enter into an agreement with Western North Carolina Development Association.

Resolution Book No. 11 Page 274 .

- D. Resolution No. 79-176 - Resolution authorizing the Mayor and City Clerk to execute agreement with Western North Carolina Regional Air Pollution Control Agency.

HIGHLIGHTS: Western North Carolina Regional Air Pollution Control Agency was established jointly by the City of Asheville and the Counties of Buncombe and Haywood and committed themselves to provide financial support for the agency to enable it to administer and enforce an effective air pollution control program for the area. This will authorize the Mayor to enter into an agreement with the WNC Regional Air Pollution Control for these services.

Resolution Book No. 11 Page 275 .

- E. Resolution No. 79-177 - Resolution authorizing the Mayor and City Clerk to execute contract with the Asheville Area Chamber of Commerce regarding travel promotion.

HIGHLIGHTS: The Asheville Area Chamber of Commerce engages in a number of activities that foster and encourage tourism to Asheville and the City of Asheville wishes to contract with the Chamber for the continuation of these activities. This will authorize the Mayor to enter into an agreement with the Asheville Area Chamber of Commerce.

Resolution Book No. 11 Page 276 .

- F. Resolution No. 79-178 - Resolution authorizing the Mayor and City Clerk to execute agreement with Quality Forward.

HIGHLIGHTS: Quality Forward carries on a number of programs aimed at improving the cultural, recreational, and physical environment throughout the City and the City of Asheville wishes to contract with Quality Forward for the implementation of these programs. This will authorize the Mayor to enter into an agreement with Quality Forward.

Resolution Book No. 11 Page 277 .

On a roll call vote of 4-0, Ordinance No. 1125 passed on second reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the third reading of Ordinance No. 1125. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1125 passed on third and final reading.

Complete text of Ordinance No. 1125 will be found in Ordinance Book No. 9 at page 45.

RESOLUTION NO. 79-173 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ESCROW AGREEMENT WITH CHAMPION CONTRACTING COMPANY IN CONNECTION WITH RUNWAY EXTENSION PROJECT AT ASHEVILLE AIRPORT

7. Consideration was given to a resolution authorizing the Mayor to sign escrow agreement with Champion Contracting Company in connection with Runway Extension Project at Asheville Airport.

The City Manager read the resolution and explained that the contract provides for such an escrow agreement if requested by the contractor.

Upon motion of Councilman Morris, seconded by Councilman Cole, Resolution No. 79-173 was unanimously adopted.

Complete text of Resolution No. 79-173 will be found in Resolution Book No. 11 at page 272.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-174 - Resolution appointing members to the Asheville Tree Commission.

HIGHLIGHTS: This resolution will reappoint Mr. David Warren and Mrs. Elrita Nesby to the Commission. It will also appoint Ms. Susan Mayer and Mr. Anthony Lord to the Commission.

Resolution Book No. 11 Page 273.

- B. Approval of interest payments due on L.E.A.A. settlements.

HIGHLIGHTS: It has been determined that recipients of settlements paid as a result of the L.E.A.A. Resolution Agreement are due an interest payment for the period between the signing of the Agreement and the actual payment of the settlement. The rate of interest for this payment is fixed by law at 6%.

O. A. Keener
144 Park Avenue
Asheville, N. C. 28801

Backing Accident;
front end damage.

Donald L. Linglelback
8 Mace Avenue
Asheville, N. C. 28806

Leftside damage;
hit by police cruiser

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

JIM DANIELS - COMMENTS RELATIVE TO ALARM ORDINANCE

Upon inquiry of Mr. Jim Daniels, the Mayor explained that during the second reading of Ordinance No. 1124, relative to alarms, an amendment was made whereby the effective date of the ordinance is nine (9) months after adoption.

Adjournment.

Walter Trantham Mayor
William A. McCreary CITY CLERK

- G. Resolution No. 79-180 - Resolution authorizing the Mayor and City Clerk to execute contract with the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: The Asheville-Buncombe Community Relations Council was established jointly by the City of Asheville and the County of Buncombe in order to bring together a countywide effort at solving human problems related to racial, ethnic, religious and class relationships. The City wishes to contract with said council for the continuation of these efforts. This resolution will authorize the Mayor to enter into an agreement with Asheville-Buncombe Community Relations Council.

Resolution Book No. 11 at page 280.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton the consent agenda was unanimously approved.

VICE-MAYOR HORTON - REQUEST FOR RESEARCH INTO THE RETIRED GENERAL EMPLOYEE'S PENSION

Vice-Mayor Horton requested that the City Manager research the amounts the retired general employees are receiving under their pension program and to determine if it would be possible to give them a "cost-of-living" increase.

The City Manager said he would seek input into this request from the General Employees Pension Board which will be meeting next week.

RESOLUTION NO. 79-179 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION RELATIVE TO THE BELE CHERE FESTIVAL

Consideration was given to a resolution authorizing certain official action relative to the Bele Chere Festival.

The City Manager read the resolution.

Verl Emrick, Planning Director, said the request for waiving of certain requirements was made in order to get to a functional point in order to meet all code requirements before the festival begins.

Upon motion of Vice-Mayor Horton, seconded by Councilman Cole, Resolution No. 79-179 was unanimously adopted.

Complete text of Resolution No. 79-179 will be found in Resolution Book No. 11 at page 278.

CLAIMS - CHARLES WARREN COX - O. A. KEENER - DONALD L. LINGLELBACK

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Claims sent to St. Paul Fire and Marine Insurance:

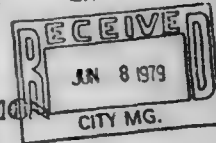
Charles Warren Cox
9 Hamburg Lane
Weaverville, N. C. 28787

Left front vehicle
damaged while parked.

Verl Earick, Planning Director, read the following letter:



ASHEVILLE
REVITALIZATION
COMMISSION



P.O. BOX 7148, ASHEVILLE, NC 28807 (704-255-5432)

June 8, 1979

Honorable Roy Trantham, Mayor,
and Members of City Council
City Hall
Asheville, North Carolina 28807

SUBJECT: Proposed Amendment to Ordinance No. 954

Dear Roy:

As you know the Asheville Revitalization Commission is presently involved with several potential developers who are interested in acquiring property in Downtown. It is the Commission's opinion that in order for us to effectively function as the Council's agent in these matters, Council needs to consider amending the ordinance which created the Commission and stipulates its powers and duties.

With that in mind, the specific changes we would have you consider are as follows:

Section 2. Purpose and Power of the Commission

Subsection (b) Powers of the Commission: which stipulates that the Commission in order to carry out the purposes of the Ordinance shall have the power to do seven (7) individual items. We would propose that the following items be inserted:

- "(8) to act as agent for the City to plan, finance, and implement projects authorized by Chapter 160A, Article 22, Urban Redevelopment Law, Subsections 500-526, as may be amended from time to time. Such projects shall be approved by City Council and limited to the Downtown Improvement District as described in the Downtown Plan."
- "(9) to act as agent for the City in planning, financing, and implementing projects authorized by Chapter 160, Article 38, Subchapter VIII, Parking Authorities and Facilities. Said projects shall be approved by City Council and limited to the Downtown Improvement District as described in the Downtown Plan."

I would appreciate your immediate consideration on this matter. Copies of all enabling legislation referred to are attached.

Respectfully,

JWD
James W. Daniels
Chairman

VRE:JWD:nr
Enclosures
cc: Ken Michalove, City Manager

Thursday - August 9, 1979 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Bill B. Horton, Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham and Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman Gene E. Rainey gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 2, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the August 2, 1979 meeting were approved as submitted.

RECOGNITION TO CAMPBELL JOHNSON - RETIREMENT FROM THE CITY OF ASHEVILLE

2. The City Manager recognized Mr. Campbell Johnson who is retiring from employment with the City of Asheville after 23 years of service.

REPORT ON "BELE CHERE" EVENTS

3. Verl Emrick, Planning Director, reported that the turnout for the "Bele Chere" Festival, sponsored by the Asheville Revitalization Commission, was very good. He reviewed the events to take place during the festival.

Councilwoman Price commended the Planning Division for their help in the "Bele Chere" Festival.

PUBLIC HEARING - AMENDING ORDINANCE NO. 954 ESTABLISHING THE ASHEVILLE REVITALIZATION COMMISSION

ORDINANCE NO. 1126 - AN ORDINANCE AMENDING ORDINANCE NO. 954 KNOWN AS AN ORDINANCE ESTABLISHING THE ASHEVILLE REVITALIZATION COMMISSION

4. A public hearing was held relative to amending Ordinance No. 954, an ordinance establishing the Asheville Revitalization Commission.

Vice-Mayor Horton opened the public hearing at 4:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Marvin Vierra of the Planning Division said the City staff had requested that HUD allow the use of 20% of the entitlement funds set aside for the Urban Renewal Deficit funds for 1979-80. He said HUD has granted this deferrment and this amendment would approve the allocation of these funds in the amount of \$351,400. He said \$100,000 of the funds would be used for Senior Citizen activities; \$150,000 for Street Resurfacing for streets in the original Community Development area; and the remainder would be put in Contingency.

After discussion, Councilman Michael moved to approve the amendment to the Fifth Year Community Development application as presented by Mr. Vierra. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1124 - AN ORDINANCE CONCERNING ALARM SYSTEM BUSINESSES, SYSTEMS AND USERS WITHIN THE CITY OF ASHEVILLE

6. Consideration was given to the third reading of Ordinance No. 1124, an ordinance concerning alarm system businesses, systems and users within the City of Asheville.

Alan Hyder of the Police Department said during the second reading of the ordinance a constitutional question was raised as to whether or not the Police Department could continue monitoring some alarms, such as banks and governmental agencies, and not all alarms. He said he had corresponded with the Attorney General's office and received an opinion that there is no problem in this area.

Mr. Hyder said a question was also raised as to what new costs a typical alarm user might anticipate by the adoption of the ordinance. He then reviewed the estimated costs obtained from alarm monitoring businesses.

Ralph Bishop spoke relative to the ordinance.

On a roll call vote of 5-0, Ordinance No. 1124 passed on third and final reading.

Complete text of Ordinance No. 1124 will be found in Ordinance Book No. 9 at page 39.

BUDGET AMENDMENT - REVENUE SHARING TRUST FUND - FOR LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND

7. The City Manager presented a budget amendment amending the Revenue Sharing Trust Fund for Fiscal Year 1979-80 to provide appropriations for employer contributions, based on current enrollment, for the Law Enforcement Officers' Benefit and Retirement Fund. The appropriation will be in the amount of \$20,000. He said this was a statutory requirement as State Legislature has now required that local governments pay the employer contributions. He said up until this year the State paid the employer contributions.

Councilman Rainey moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded Councilwoman Price and carried unanimously.

He said due to legal problems it has been requested that the section requested to be amended relative to Urban Redevelopment be deleted from the proposed amendments.

He said this additional power of the Commission will allow greater flexibility in providing for off-street parking. He said the off-street parking in the downtown area is needed to lessen traffic congestion in the streets. He said the additional powers will give the Commission the authority to act as an agent for the City in operating parking authorities. He said the Commission would have to obtain approval from City Council before implementing any plan under this authority.

Councilman Michael voiced concern over giving any Commission too much authority. He said he would not favor approving a total plan for the downtown area. He said he would like to table action on the amendment until more information can be obtained about the authority requested.

Councilman Rainey suggested that an amendment be made in the ordinance to allow the Commission to implement this authority in conjunction with private firms in building parking garages.

Mr. Emrick said before the second reading of the ordinance he would incorporate an amendment to the proposed ordinance for Council to consider to effectuate Councilman Rainey's suggestion.

After discussion, Vice-Mayor Horton closed the public hearing at 4:47 p. m.

Verl Emrick read the proposed ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1126. This motion was seconded by Councilman Cole.

On a roll call vote of 4-1, Ordinance No. 1126 passed on first reading with Councilman Michael voting "no."

Verl Emrick requested that the second reading of the ordinance be postponed until August 23, 1979 due to the fact that he will be out of town on August 16, 1979.

Councilwoman Price moved to postpone the second reading of Ordinance No. 1126 until August 23, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

PUBLIC HEARING - AMENDING FIFTH YEAR COMMUNITY DEVELOPMENT APPLICATION

5. A public hearing was held relative to amending the Fifth Year Community Development application.

Vice-Mayor Horton opened the public hearing at 4:53 p. m.

- C. Approval of bids received August 1, 1979 for Safety to Life Requirements for the Asheville City Hall Building, Phase I.

HIGHLIGHTS: Recommendation of awards as follows:

Low bid of George H. Keller, Contractor, in the amount of \$16,561 for the protected corridor.

Low bid of Brevard Electric Company in the amount of \$56,140 for the fire alarm, emergency lighting and emergency generator.

- D. Approval of a budget amendment amending the City of Asheville Parks and Recreation Fund budget for the Fiscal Year 1979-80.

HIGHLIGHTS: This amendment is to set up appropriate revenue and expenditure accounts to accomodate the execution of a contract for the Juvenile Justice and Delinquency Act of 1974 from the State of North Carolina Department of Crime Control and Public Safety. The amount of funds is \$5,148.00.

- E. Scheduling of a public hearing relative to amending the Zoning Ordinance for August 30, 1979.

HIGHLIGHTS: Mrs. Lloyd Williams, Secretary of the Royal Arcanum, requested the Planning and Zoning Commission to consider amending the Zoning Ordinance to include "fraternal and philanthropic organizations" in the R-3 Residential District as a Conditional Use. Planning and Zoning Commission has recommended that Section 30-5-4.B. Conditional Uses be amended by adding "Fraternal and Philanthropic Organizations," subject to several provisions.

- F. Resolution No. 79-183 - Resolution authorizing the Mayor and City Clerk to execute agreement with American Locker Company, Inc. for lockers in terminal building at Asheville Airport.

HIGHLIGHTS: American Locker Company, Inc. has for a number of years maintained lockers in the Terminal Building at the Asheville Airport and the agreement between the locker company and the city regarding the use of these lockers has expired. This resolution will authorize the Mayor to execute a new agreement with American Locker Company, Inc.

Resolution Book No. 11 at page 283.

Upon motion of Councilman Michael, seconded by Councilman Rainey, the consent agenda was unanimously approved.

150

Councilwoman Price requested that the Mayor write the local legislative delegation making them aware that the City Council was not aware of the legislature passed providing for local governments to pay the employer contributions to the Law Enforcement Officers' Benefit and Retirement Fund.

BUDGET AMENDMENT - APPROPRIATIONS FOR THE SAFETY-TO-LIFE REQUIREMENTS FOR CITY HALL

8. The City Manager presented a budget amendment amending the City of Asheville Annual Operating Budget for 1979-80 to establish funding for the Safety-to-Life Project for City Hall. He said funding in the amount of \$91,903 would be provided by a state grant and Sinking Fund monies.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-181 - Resolution authorizing the City Manager to accept a right-of-way easement from Charles C. and Marguerite Cole for a water line across their property in Pinedale Subdivision.

HIGHLIGHTS: The purpose of this easement is for a right-of-way for a water line on Pinedale. The work will be done by Butler Associates and the City will inspect the work and when completed according to specifications, will be accepted as City Lines.

Resolution Book No. 11 at page 281.

- B. Resolution No. 79-182 - Resolution authorizing the Mayor to execute a grant award from N. C. Department of Crime Control and Public Safety for the Hillcrest Enrichment Program.

HIGHLIGHTS: A grant has been received from the N. C. Department of Crime Control and Public Safety in the amount of \$5,148 for the Hillcrest Enrichment Program.

Resolution Book No. 11 at page 282.

COMPLAINT - ORMA BOWIE

Ms. Orma Bowie of 14A Oak Knoll Apartments, told Council that on July 1, 1979 her son (6 years of age) was taken to the woods behind her house and beaten by someone. She said when the Juvenile Officer (Allison) came to investigate the incident he did not arrest the man who assaulted her son. She said he only said "he knew the man and did not think he would do something like that." She said it took her several days to obtain a warrant for the man from the magistrate's office. She voice a complaint against the Juvenile Officer acting in this manner.

Viola Liles, mother of Ms. Orma Bowie voiced a complaint against the court system in that she was held in a cell for about one for contempt of court for saying "this isn't fair" when Judge Roda changed the court date for the case because the Juvenile Officer was not at court on the day of the trial.

The City Attorney said he would check into the facts of the incident.

Councilman Michael requested that the City Attorney give Council and Ms. Bowie a report of the findings.

RALPH BISHOP - LOTTERY SALES - PARKING TICKETS

Ralph Bishop again spoke to Council relative to lottery sales and parking tickets being voided.

Adjournment.

Raymond Harrison Mayor
Deborah S. Hallett City Clerk

PROCLAMATION - HAROLD BASS DAY - AUGUST 11, 1979

Vice-Mayor Horton proclaimed Saturday, August 11, 1979 as "Harold Bass Day."

PROCLAMATION - NATIONAL PUBLIC PARKS TENNIS WEEK - AUGUST 12 - 19, 1979

Vice-Mayor Horton proclaimed August 12 - 19, 1979 as "National Public Parks Tennis Week."

LETTER FROM SOUTHERN RAILWAY SYSTEM RELATIVE TO BILTMORE RAILWAY STATION

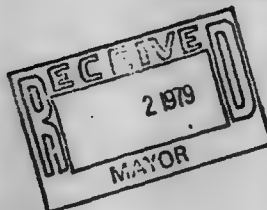
The City Manager presented the following letter:

Southern Railway System

*Operating Department
Office of Superintendent
P. O. Box 15074
Asheville, N. C. 28803
(704) 252-3122*

L. E. WETSEL, JR.
SUPERINTENDENT

July 31, 1979 */dc
110-Biltmore



Mayor Roy M. Trantham
City of Asheville
P. O. Box 7148
Asheville, NC 28807

Dear Mayor Trantham:

This will acknowledge receipt of your letter of July 23, 1979 to Mr. Robert Koger of the North Carolina Utilities Commission, concerning the Biltmore Railway Station at Asheville, N. C.

Please be advised that Southern Railway has no plans to demolish the Biltmore Passenger Station and it will remain intact at its present location.

We do appreciate your interest in this matter.

Sincerely,

L. E. Wetzel, Jr.
Superintendent

cc: Mr. Robert Koger, Chairman
North Carolina Utilities Commission

Attorney John Powell, representing Charles Leroy Sherlin and wife, Betty McKinney Sherlin, petitioners for the closing, said with the exception of the State Highway Commission, the petitioners are the owners of all property adjacent to the portion of Alabama Avenue requested to be closed. He said Alabama Avenue was closed by the State Highway Commission on November 8, 1963 and has not been maintained by the City of Asheville since April, 1961. He said the Sherlins' are requesting that the road be closed in order that a fence may be put up to block off people who park in the area.

The City Manager presented an affidavit showing that the street was posted in accordance with the statute governing the closing of streets.

The City Manager also presented a memorandum from Verl Emrick, Planning Director, which stated that in his opinion the section of Alabama Avenue referred to serves no useful purpose and does not contribute to the circulation pattern of the area.

Mayor Trantham closed the public hearing at 4:16 p. m.

The City Manager read the resolution closing a portion of Alabama Avenue.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 79-186 was unanimously adopted.

Complete text of Resolution No. 79-186 will be found in Resolution Book No. 11 at page 286.

APPROVAL OF SIGN PERMITS FOR NEAGLE SIGN COMPANY - PATTON AVENUE-TUNNEL ROAD

4. Consideration was given to the approval of three (3) sign permits for Neagle Sign Company.

Virgil Bradley of the Inspections Division said Neagle Sign Company has applied for three (3) sign permits for signs which are located within 600 feet of the expressway which requires the approval of the Council. He reviewed the following sign permits:

- (1) 14' x 48' - 766 Patton Avenue - Ward 6, Sheet 16, Lot 342
(entrance ramp to I-40 and I-26)
replacement sign

After discussion, Councilman Morris moved to approve the sign to be located at 766 Patton Avenue. This motion was seconded by Councilman Michael and carried on a 4-2 voice vote, with Councilwoman Price and Councilman Rainey voting "no."

- (2) 14' x 48' - Tunnel Road - Ward 8, Sheet 25, Lot 44-3/4
replacement sign
upper section of Chunns Cove Road on Tunnel Road.

Councilman Michael was excused from the meeting at 4:25 p. m.

After discussion Councilman Cole moved for the approval of the sign to be located on Ward 8, Sheet 25, Lot 44-3/4. This motion was seconded by Councilman Morris and carried unanimously.

Thursday - August 16, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 9, 1979 meeting.

Vice-Mayor Horton requested that the minutes also include the closing time of the public hearing relative to amending the Fifth Year Community Development Application which was at 5:10 p. m.

Upon motion of Councilwoman Price, seconded by Councilman Cole the minutes of the August 9, 1979 meeting were approved as amended.

RESOLUTION NO. 79-185 - RESOLUTION OF APPRECIATION TO THE LEADERSHIP, ADMINISTRATION AND PARTICIPATION IN "BELE CHERE 1979"

2. Consideration was given to a resolution of appreciation to the leadership, administration and participation in "Bele Chere 1979."

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-185 was unanimously adopted.

Complete text of Resolution No. 79-185 will be found in Resolution Book No. 11 at page 285.

PUBLIC HEARING - CLOSING OF A PORTION OF ALABAMA AVENUE

RESOLUTION NO. 79-186 - RESOLUTION TO CLOSE A PORTION OF ALABAMA AVENUE

3. A public hearing was held relative to closing a portion of Alabama Avenue.

Mayor Trantham opened the public hearing at 4:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

- E. Approval of budget amendment to the City of Asheville Federal Project fund budget for Second Year Community Development Block Grant.

HIGHLIGHTS: This amendment is to reprogram available funds for needed sanitary sewer line improvements in the West Asheville Community Development area. The amount of the transfer is \$82,666.

- F. Approval of budget amendment to the City of Asheville Operating Budget for Fiscal 1979-80.

HIGHLIGHTS: The budget amendment in the amount of \$5,572 is to provide funding for one LEAA settlement and accrued interest on five of the previous settlements. One more is not concluded.

- G. Approval of budget amendment to the City of Asheville Fiscal 1979-80 Operating Budget.

HIGHLIGHTS: The budget amendment in the amount of \$100,859 is to provide funding from Sinking Funds for the Water Maintenance Facility Improvement Project.

- H. Resolution No. 79-190 - Resolution establishing a committee to analyze the Certificate of Occupancy Program.

Resolution Book No. 11 page 291

- I. Resolution No. 79-191 - Resolution establishing a committee to examine coordination and regulations of transportation services and fares.

Resolution Book No. 11 page 292

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

COUNCILMAN RAINEY - REQUEST FOR WORK SESSION ON ORDINANCE RELATIVE TO STRUCTURES ON RIGHT-OF-WAY

COUNCILMAN RAINEY - REQUEST FOR STATUS ON ANNEXATION OF ASHEVILLE COUNTRY CLUB

Councilman Rainey requested that Council schedule a work session on an ordinance relative to the placement of structures on right-of-way. He also requested a report on the status of the annexation of the Asheville Country Club.

(3) 14' x 48' - Tunnel Road - Ward 8, Sheet 21, Lot 12

Note: This sign was previously considered by Council and upon motion was defeated on a 3-3 vote. Neagle Sign Company has requested reconsideration of approval of the sign permit.

After discussion, Councilman Morris moved to approve the sign permit for a sign to be located on Ward 8, Sheet 21, Lot 12. This motion was seconded by Councilman Cole and carried on a voice vote of 4-2, with Councilman Rainey and Councilwoman Price voting "no."

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received August 10, 1979 for two (2) snow plows for Street Division.

HIGHLIGHTS: One (1) bid was received. Recommendation of bid submitted by Western Carolina Tractor Company in the amount of \$4,271.40. Funding: Revenue Sharing Trust Fund, Street Division Capital Outlay Equipment, Account Code 50-427.0074.

- B. Resolution No. 79-187 - Resolution appointing a member to the Asheville Area Civic Center Commission.

HIGHLIGHTS: Appointment of Mrs. Cy Fligel as a member of the Asheville Area Civic Center Commission.
Resolution Book No. 11 page 288

- C. Resolution No. 79-188 - Resolution appointing members to the Board of Adjustment under Ordinance No. 322, as amended.

HIGHLIGHTS: Appointment of Harold Talbert and Tom McCurry as members of the Zoning Board of Adjustment.
Resolution Book No. 11 page 289

- D. Resolution No. 79-189 - Resolution appointing members to the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: Reappointment of Mr. H. H. Zeugner, Mr. Herb Watts, and Mrs. Catheryn Kinser to the Asheville-Buncombe County Youth Council.

Resolution Book No. 11 page 290

Thursday - August 23, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Council William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 16, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 16, 1979 meeting were approved as submitted.

ORDINANCE NO. 1126 -AN ORDINANCE AMENDING ORDINANCE NO. 954, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE REVITALIZATION COMMISSION"

2. Consideration was given to the second reading of Ordinance No. 1126, an ordinance amending Ordinance No. 954, known as "An Ordinance Establishing An Administrative Body known as the Asheville Revitalization Commission."

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

As previously requested by Council, Verl Emrick, Planning Director, presented the following two amendments to the ordinance.

1. "(8) to act as agent for the City in planning, financing, and implementing projects authorized by Chapter 160, Article 38, Subchapter VIII, Parking Authorities and Facilities. Said projects shall have prior approval by City Council and limited to the Downtown Improvement District as described in the Downtown Plan.

** amendment underscored

2. "(9) to actively encourage and pursue the participation of the private sector and private capital in implementing approved projects."

** amendment underscored

Councilman Rainey moved to amend Ordinance No. 1126 as recommended by Verl Emrick. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1126 was passed on second reading.

VICE-MAYOR HORTON - COMMENTS RELATIVE TO REMOVAL OF WATER FOUNTAINS

Vice-Mayor Horton said he had received complaints relative to the demolition of water fountains.

The City Manager said the Parks and Recreation Department and the Water Department is presently working on a report relative to this matter.

VICE-MAYOR HORTON - INFORMATION RELATIVE TO MUFFLERS

Vice-Mayor Horton requested that the City pursue further the noise level recorder used by Evansville, Ind. to apprehend violators of loud mufflers. He requested that the City find out what type noise level recorder Evansville uses and what the cost would be.

Vice-Mayor Horton also requested that a copy of the noise ordinance be put in each Councilman's box.

COMMENTS RELATIVE TO BILTMORE RAILWAY STATION

Councilman Cole said he had been advised by Dr. Brosnan that he was going to purchase the Biltmore Railway Station and upgrade the building. He said he assured him of the preservation of the building.

RESOLUTION NO. 79-192 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE, THE DEMOLITION OF THE OLD PARKS AND RECREATION AND TRAFFIC ENGINEERING MAINTENANCE BUILDING

Consideration was given to a resolution authorizing the Mayor to execute on behalf of the City of Asheville, the demolition of the old Parks and Recreation and Traffic Engineering Maintenance Building.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-192 was unanimously adopted.

Complete text of Resolution No. 79-192 will be found in Resolution Book No. 11 at page 293.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council relative to the lottery sales in Asheville.

Adjournment.

Ray M. Harrison MAYOR *William A. McCall* CITY CLERK

Mr. Rowe said Asheville Contracting Company, in an attempt to negotiate with the homeowners, has agreed to remove the entire rock pile from the property through a crushing process subject to several conditions. He said this proposal has not been agreeable with the homeowners. He said he felt this was an indication of Asheville Contracting Company's willingness to try and satisfy everyone in this matter.

Mr. Rowe requested that Council wait to vote on the issue until negotiations could be considered between the contracting company and the homeowners or until the suits are resolved.

At this time Council voted on Councilman Rainey's motion to amend Ordinance No. 1121, which motion passed on a voice vote of 7-0.

Dr. Larry Metcalf spoke in support of the rezoning. He said he was not a member of the Mountainbrook Homeowners Association and did not receive a proposal from Asheville Contracting Company.

After discussion, Councilman Rainey moved to table the third reading of Ordinance No. 1121 until August 30, 1979 in order to give the Planning Department an opportunity to determine the official status of Mrs. Bell's protest and to calculate the new acreage in order to resolve the voting rule. This motion was seconded by Councilman Cole.

Councilman Morris said he would prefer to allow time of possible negotiation before finalizing the rezoning. He said once the property is rezoned Asheville Contracting Company would not have any interest in improving the area. He said the urgency to rezone does not offset the benefits derived from waiting. He said it concerned him that people would request rezoning of their property in order to rezone someone else's property. He said Council should consider the highest and best use of the property.

Councilman Rainey's motion to table the third reading of Ordinance No. 1121 passed on a voice vote of 6-1, with Councilman Morris voting "no."

APPROVAL OF THE CONSENT AGENDA

4. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-193 - Resolution authorizing the Mayor to sign a contract for the lease of computer equipment and operating software for the replacement of the City's three existing mini-computers.

HIGHLIGHTS: This lease agreement with Burroughs Corporation is for the lease of new general purpose computer hardware to replace the three existing systems.

100

ORDINANCE NO. 1121 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Chunns Cove Area)

3. Consideration was given to the third reading of Ordinance No. 1121, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the Chunns Cove Area from R-2 Residential District to R-1 Single Family Residential District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, said since the second reading of the ordinance the Planning Department received protests amounting to 33% which would require a 3/4 favorable vote of Council in order to adopt the ordinance. He said he did, however, receive a letter from Marion Poor, who owns Lot 47, Sheet 25, indicating that he wished to have his 7 acres excluded from the proposed rezoning. He said even if Council excludes the Poor property the protest would still be 29% requiring the 3/4 favorable vote.

Mr. Emrick said at the request of Council, his staff had attempted to contact Mrs. Bell who owns 21 acres in the area to determine if her protest is still valid. He said from all indications Mrs. Bell still wishes to protest the rezoning.

Councilman Rainey protested the manner in which the rezoning was handled in that the delays of Council has allowed pressure between the two parties involved. He suggested that the City staff look into the situation and amend the language of the zoning ordinance in order to avoid this problem in the future.

Councilman Rainey said it might be advantageous to delay the final vote on the ordinance to determine the official status of Mrs. Bell's protest.

Councilman Cole said Council should have the final vote on the ordinance, in order to give everyone concerned Council's final decision.

Mr. Herbert Moore of the MountainBook Homeowners Association, spoke in support of the rezoning. He said every time Council delays action on the rezoning, Asheville Contracting Company, one of the protesters, approaches someone in the area in order to obtain more protest. He said if the property is rezoned no one would be disadvantaged except Asheville Contracting Company.

Councilman Rainey moved to amend Ordinance No. 1121 by excluding the Poor property, Lot 47, Sheet 25, and the Bell property, portions of Lot 9-1/2 and all of Lot 45, Sheet 30, from the proposed rezoning. This motion was seconded by Councilwoman Price.

Gary Rowe, attorney representing Asheville Contracting Company, whose property contains the rock pile and landfill created by the open cut project and is also subject to the rezoning, told Council that it was in a dangerous position in excluding property from the rezoning in order to remove the protest. He said Council has consistently taken the position since July 1 of excluding any property owner who has filed a protest. He said Asheville Contracting Company would gladly withdraw their protest if the Council will exclude Asheville Contracting's property from the rezoning.

F. Approval of a budget amendment amending the City of Asheville Parks and Recreation Department fund budget for Fiscal Year 1979-80.

HIGHLIGHTS: This amendment in the amount of \$1,500 is to provide additional revenue and expenditures for programs which will be aimed at improving the parenting skills of the parents involved in the Hillcrest Enrichment Program in order to reduce the juvenile crime rate in the Hillcrest area. These Juvenile Justice Delinquency Prevention Act funds from the State of North Carolina Department of Crime Control and Public Safety are in addition to those already approved by Asheville City Council on a budget amendment dated August 9, 1979, and will bring the amended total of this grant to \$6,648.00.

G. Resolution No. 79-198 - Resolution authorizing the Mayor and City Clerk to execute contract with Land-of-Sky Regional Council for funding of Elderly Nutrition Program.

HIGHLIGHTS: The Land-of-Sky Regional Council is the grantee in a contract with the North Carolina Division of Aging to administer the Nutrition Program for Older Adults within the Region B area and the program will provide a midday meal Monday through Friday to approximately 145 senior citizens in the Asheville Area and the City wishes to pay its prorated share of the 5% local match for the program. This will authorize the Mayor to enter into such an agreement.

Resolution Book No. 11 Page 299.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

ORMA BOWIE - VIOLA LILES - REPORT ON COMPLAINT RECEIVED AUGUST 9, 1979

City Attorney William C. Moore said he had checked into the complaint of Viola Liles relative to being found in contempt of court. He said the City of Asheville has no jurisdiction in the court system, however, Judge Roda said her behavior was contemptuous and it was his right and prerogative to find her in contempt. He said her complaint should be filed with Chief District Judge J. O. Isreal.

The City Manager said he had received written reports from the Police Department relative to Mrs. Bowie's complaint and a personal contact with Mrs. Bowie was made by the Police Department in order for Mrs. Bowie to file a formal complaint against the arresting officer. He said he would have a report on the findings of the complaint.

- B. Resolution No. 79-194 - Resolution authorizing the Mayor to sign a contract with Computer System Services, Inc.

HIGHLIGHTS: This contract is for preventive and actual repair electronic data processing equipment. The current agreement with Computer System Services, Inc. terminates August 31, 1979.

Resolution Book No. 11 Page 295

- C. Resolution No. 79-195 - Resolution authorizing the Mayor to sign a contract with Burroughs Corporation for equipment maintenance.

HIGHLIGHTS: This maintenance contract provides 24 hours, 7 day a week maintenance on the major components of the Asheville-Buncombe County Criminal Justice Information System.

Resolution Book No. 11 Page 296 .

- D. Resolution No. 79-196 - Resolution authorizing the Mayor to execute a quitclaim deed relative to the Old Asheville-Hendersonville Airport.

HIGHLIGHTS: In 1972 when the City of Asheville, the City of Hendersonville and Henderson County conveyed to Harilee-Quattlebaum all the property known as the old Asheville-Hendersonville Airport a portion of the property was inadvertently omitted in preparing the deed. Quattlebaum has since conveyed the property to L. A. White and wife Ethel M. White. L. A. White has requested that the City of Asheville grant him a quitclaim deed in order to clear the title to this small tract.

Resolution Book No. 11 Page 297 .

- E. Resolution No. 79-197 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with W & W Contracting Company for the project known as K-Mart to Dreamland 20-inch sewer line.

HIGHLIGHTS: This 20-inch sewer line will be from K-Mart to Dreamland Drive-In. W & W Contracting Company is the low bidder in the amount of \$34,915.00. This project is funded under the 33 fund.

Resolution Book No. 11 Page 298 .

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council relative to the lottery sales in the City of Asheville.

** Addition to the Minutes**PRESENTATION OF THE BOOK "DAY OF THE CHING PAO" TO THE LIBRARY

At the beginning of the Council meeting, Mayor Trantham said he was presented the book "Day of the Ching Pao" by Malcolm Rosholt at a welcoming of the "Flying Tigers" to be presented to the Library.

Adjournment.

Ralph M. Trantham *William F. Holcomb*
MAYOR CITY CLERK

PROCLAMATION - "WOMEN'S EQUALITY DAY" - AUGUST 26, 1979

Mayor Trantham proclaimed August 26, 1979 as "Women's Equality Day" in the City of Asheville.

PROCLAMATION - AUGUST 24, 25, 26, 1979 - "BUCK STOVE WEEKEND"

Mayor Trantham proclaimed August 24, 25, and 26, 1979 as "Buck Stove Weekend" in the City of Asheville.

CLAIMS - LLOYD E. BECKWITH - ROSS MATTHEWS - CHAPMAN CONSTRUCTION COMPANY -
CARROLL L. CRAWFORD - FRED D. AYERS, JR. - DANNY LEE HENSLEY - HARDIE MERRILL -
PETERSON TRUST

The City Manager presented the following claims against the city received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against the City of Asheville for damage:

Lloyd E. Beckwith
198 Aurora Drive
Asheville, N. C.

Stopped up sewer line -
plumber charge

Ross Matthews
40 Watauga Street
Asheville, N. C.

Torn ligament - Aston Park
Tennis Court

Chapman Construction Company
Rt. 1, Box 397
Black Mountain, N. C.

Suit to recover payment
due - \$4,139.20

Carroll L. Crawford
7 Pelham Road
Asheville, N. C.

Broken asphalt curb

Fred D. Ayers, Jr.
71 Grovewood Road
Asheville, N. C.

Stopped up sewer -plumber
charge - \$79.00

Claims sent to St. Paul Fire and Marine Insurance:

Danny Lee Hensley
Rt. 5, Box 74
Asheville, N. C.

Damage to automobile
by City Vehicle

Hardie Merrill
Rt. 2, Box 246
Marshall, N. C.

Damage to automobile
by City Vehicle

Peterson Trust
151 Windham Way
Hendersonville, N. C.

Damage to automobile
by City Vehicle

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

- 1) The minimum lot size shall be no less than the nonresidential lot size of this zone;
- 2) Adequate off-street parking (One (1) space for each 100 square feet of gross floor space);
- 3) Adequate buffering;
- 4) External lighting should be covered to illuminate the building and parking lot only; and
- 5) Any external sign should not exceed seventy-five (75) square feet and should be mounted on the building.

Mr. Emrick said as a Conditional Use each application would be considered on its own merits rather than a blanket approval since the Board of Adjustment must approve all conditional uses.

Councilman Michael said in his opinion Council should not amend the zoning ordinance to accommodate one organization. He said Council has not done this in the past and should be consistent.

At the request of Council, Mr. Emrick reviewed other nonresidential uses in the R-3 Residential District.

Upon inquiry of Councilman Morris, Mr. Emrick said a restaurant for such an organization would not be open to the public, it would be a private restaurant for their members only.

Councilwoman Price suggested that the provision for the external sign be reduced from seventy-five (75) square feet to eight (8) square feet.

Glen Sams, representing the Royal Arcanum, spoke in support of the amendment. He said the Royal Arcanum has a site available for their organization which would provide for all the provisions.

Mayor Trantham closed the public hearing at 4:18 p. m.

Verl Emrick read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1127. This motion was seconded by Vice-Mayor Horton.

Councilwoman Price moved to amend Ordinance No. 1127 by also including "fraternal and philanthropic organizations" in the R-4 and R-5 Residential Districts and Office Institutional District as a Conditional Use with the provisions contained in the ordinance. She further moved that the provision relative to the external sign be amended to provide for a sign not to exceed eight (8) square feet in lieu of seventy-five (75) square feet. This motion was seconded by Councilman Rainey and carried on a voice vote of 6-1, with Councilman Michael voting "no."

On a roll call vote of 6-1, Ordinance No. 1127, as amended, passed on first reading.

176
Thursday - August 30, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol S. Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Mayor Trantham introduced Rev. James Tucker, Minister of Morningside Baptist Church and Chaplain at the Police Department, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 23, 1979 meeting.

Councilman Rainey requested that his motion relative to postponing the third reading of Ordinance No. 1121 include the postponement until August 30, 1979.

Upon motion of Councilman Cole, seconded by Councilman Rainey, the minutes of the August 23, 1979 meeting were approved as amended.

POLICE/FIRE BASEBALL GAME - INVITATION

2. Chief Powell Ball invited Council members to the Asheville Police Department and Asheville Fire Department baseball game at 7:30 p. m.

PUBLIC HEARING - AMENDING ZONING ORDINANCE TO INCLUDE "FRATERNAL AND PHILANTHROPIC ORGANIZATIONS IN THE R-3 RESIDENTIAL DISTRICT AS A CONDITIONAL USE

ORDINANCE NO. 1127 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to amending the Zoning Ordinance, being Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended including "fraternal and philanthropic organizations" as a Conditional Use in the R-3 Residential District subject to several provisions.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Royal Arcanum requested the Planning and Zoning Commission to consider amending the Zoning Ordinance to include "fraternal and philanthropic organizations" in the R-3 Residential District as a Conditional Use. He said the Planning and Zoning Commission, at its meeting on August 1, 1979, considered the request and recommended to Council that Section 30-5-4. B. Conditional Uses be amended by adding "Fraternal and Philanthropic Organizations" subject to the following provisions:

As you are aware, Asheville Contracting Company, Inc. has opposed the rezoning of its property in Chunn's Cove from R-2 to R-1 classification. We are hopeful that you will refuse this rezoning or not act upon it at the present time.

If you should decide to deny the request to rezone our property, we agree not to commence the construction of any building or development on the property for at least one year from now. If you should decide to defer action on the request, we agree to a like moratorium so long as the property is not rezoned within such one-year period.

Sincerely,

ASHEVILLE CONTRACTING COMPANY, INC

By: /s/ B. H. Taylor
President

Councilman Michael questioned whether or not Asheville Contracting Company would agree to recording such a document as stated in the letter to protect the property if it was sold, if Council did in fact table the third reading of the ordinance for one year.

Gary Rowe, attorney representing Asheville Contracting Company, said he would call his client to verify the agreement for a recordable document. He said from all conversations with Mr. Taylor there are no plans to develop or sell the property in the near future.

Councilman Michael commented that this agreement might solve some of the problems with the Chunn's Cove area residents.

Councilman Rainey said he felt this was only another delaying tactic and he would not agree with any further delays.

Councilman Cole said the parties involved particularly the residents of Chunn's Cove, need a final decision on the rezoning and he would not favor a delay.

Councilwoman Price reiterating comments made during previous readings of the ordinance said in her opinion Council would essentially be zoning the property in question for the first time with respect to the surrounding neighborhood.

Vice-Mayor Horton said Council should decide the final vote today.

Councilman Michael suggested that Council table the third reading of the ordinance for one year. He said he felt this was an effort to solve the problems in the area and would be fair to all parties involved.

Councilman Cole called for a vote on the question.

ORDINANCE NO. 1126 - AN ORDINANCE AMENDING ORDINANCE NO. 954, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE REVITALIZATION COMMISSION"

4. Consideration was given to the third reading of Ordinance No. 1126, an ordinance amending Ordinance No. 954, an ordinance establishing the Asheville Revitalization Commission.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Vice-Mayor Horton, Verl Emrick, Planning Director, said this segment of the ordinance deals only with parking authorities and facilities.

On a roll call vote of 7-0, Ordinance No. 1126 passed on third and final reading.

Complete text of Ordinance No. 1126 will be found in Ordinance Book No. 9 at page 46.

ORDINANCE NO. 1121 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Chunns Cove Area)

5. Consideration was given to the third reading of Ordinance No. 1121, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property in the Chunns Cove area from R-2 Residential District to R-1 Single Family Residential District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, said at last week's meeting, Council voted to exclude the Bell and Poor property. He said he has received written notice from the Bell's and Poor's that they wish to withdraw their protest for the proposed rezoning. He said this dropped the protest to 15% which would eliminate the necessity of the "20% rule" or the requirement of a 3/4 favorable vote to pass the ordinance. He said on August 28, 1979 he received, from the City Clerk's office, another protest from Mr. David W. Hall, whose property adjoins the proposed rezoning. However, this only brought the protest to 17.41% thereby removing the 20% rule or 3/4 favorable vote.

Mayor Trantham read the following letter from Mr. B. H. Taylor, President of Asheville Contracting Company:

August 30, 1979

Mayor Roy Trantham
Members of City Council
City of Asheville
Asheville, North Carolina

Dear Mayor and Members of Council:

RE: Chunn's Cove Rezoning Request

On a roll call vote of 5-2, Ordinance No. 1121 passed on third and final reading, with Councilman Rainey, Councilman Cole, Councilwoman Price, Councilman Michael and Vice-Mayor Horton voting "aye" and Councilman Morris and Mayor Trantham voting "no."

Complete text of Ordinance No. 1121 will be found in Ordinance Book No. 9 at page 35.

ORDINANCE NO. 1128 - AN ORDINANCE AMENDING SECTION 29-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO DESIGNATE THE DIRECTOR OF WATER AND SEWER SERVICES AS THE ISSUER OF PERMITS FOR USE OF WATER FROM FIRE HYDRANTS AND TO PROVIDE AN ADDITIONAL PENALTY FOR VIOLATION

6. Consideration was given to an ordinance amending Section 29-8 of the Code of Ordinances of the City of Asheville to designate the Director of Water and Sewer Services as the issuer of permits for use of water from fire hydrants.

The City Manager read the ordinance explaining that this amendment would require the permission to use water from city fire hydrants be obtained from the Director of Water and Sewer Services rather than from the City Manager. He said this section has not been enforced in the past but will be in the future. He said this amendment would place the responsibility at the departmental level.

For informational purposes the City Manager read the following North Carolina General Statute pertaining to this subject:

"14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; civil liability. (a) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity of electricity, gas or water consumed. (b) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water. (c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. (d) Whoever is found in a civil action to have violated any provision hereof shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater. (e) Nothing in this section shall be construed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards."

Mr. Rowe said Council had been discussing property rights and should also consider the property rights of Asheville Contracting Company. He told Council if there was a sincere desire to resolve the matter in a sense of fairness of property rights they would have voted when the 20 percent (six-vote majority) rule applied, instead of waiting to see if another protest would be withdrawn. He said when Asheville Contracting Company took recourse to the rezoning by obtaining the 20% protest, Council consistently removed the protest by withdrawing the protesters property from the rezoning.

Mr. Rowe said Asheville Contracting Company has made every attempt to solve this emotional issue and if Council rezones the property, against the will of Asheville Contracting Company, they are not only prepared to, but are going to, bring lawsuits against the City.

Council delayed action on this ordinance for approximately five (5) minutes giving Mr. Rowe an opportunity to contact Mr. Taylor to determine if he would agree to recording a "condition of sale" to his property in Chunns Cove stating the conditions contained in Mr. Taylor's letter to Mayor Trantham dated August 30, 1979.

Mr. Rowe, upon returning to the meeting, said Mr. Taylor agreed to attach a "condition of sale" to his property outlining the stipulations in his letter.

Councilman Michael then moved to table the third reading of Ordinance No. 1121 for one year. This motion was seconded by Councilman Morris.

Councilman Morris said Council should have taken the advice of the Corporation Counsel and delayed action on the rezoning request until the state and federal lawsuits on the property in question are resolved.

Mr. Herbert Moore of 3 Chunns View Drive spoke in support of the rezoning. He said nothing could be gained by delaying the rezoning for one year.

On a voice vote of 4-2, Councilman Michael's motion to table the third reading of Ordinance No. 1121 for one year, was defeated with Councilwoman Price, Councilman Rainey, Councilman Cole and Vice-Mayor Horton voting "no" and Councilman Michael and Councilman Morris voting "aye."

Councilman Rainey and Councilman Cole called for a vote on the question.

Mr. Rowe then said, for the record, he would like to point out that this Council refused to exclude Asheville Contracting Company's property from the rezoning after being requested to do so with the intent of Asheville Contracting Company withdrawing their protest to the rezoning.

Vice-Mayor Horton responded by stating that the reason Council did not exclude Asheville Contracting Company's property was that it was in the original petition to rezone.

Attorney Ronald Brondyke, representing Dr. Edward Crouch, said Dr. Crouch had submitted the highest bid on the property and it was unanimously accepted by the Housing Authority. He said his client would be constructing a taxable building and the ABC Store would be non-taxable.

Larry Holt of the Asheville Housing Authority said during the meeting of the Commissioners of the Housing Authority when the disposal parcels were discussed the ABC Store was discussed and the Housing Authority Commissioners felt the ABC Board could find another location in the area. He said the ABC Board submitted a bid of \$67,000 on Lot 57C.

Dr. Edward E. Crouch said he plans to construct a two-story contemporary building which will contain four (4) office spaces. He said the cost of the project would be approximately \$400,000.

Councilman Cole said he felt Council should consider the highest and best tax base.

Upon a voice vote, Councilman Cole's motion to approve the sale of Disposal Parcel #57C to Edward E. Crouch passed on a vote of 5-1, with Councilman Morris voting "no."

Councilman Micheal moved to table action on Lot 123 until more information can be obtained from the redeveloper, James C. McDonald, DPM. He said the sale of this parcel to Dr. McDonald would violate the intended use of the property. He said the intended use for this parcel was neighborhood trading. This motion was seconded by Councilman Rainey and carried unanimously.

Councilman Rainey commented that the area seems to be being overbuilt with physician's offices and he felt the lots should be used for their intended use.

APPROVAL OF AGREEMENT BY PATTON, HUNTER AND COMPANY -PROCEDURAL AND REPORTING SYSTEM FOR THE WATER AND SEWER DEPARTMENT

8. Consideration was given to a motion authorizing the Mayor to execute an agreement by Patton, Hunter and Company for the installation of a procedural and reporting system for the Water and Sewer Department.

The City Manager presented the proposal by Patton, Hunter and Company for the installation of a procedural and reporting system for the Water and Sewer Department. He said the Department of Administration has reviewed the agreement and has recommended approval of the proposal. He said this would provide for a fiscal inventory and reporting control of the Water and Sewer Department, with the total amount of the agreement being \$7,500.00. He said the delivery date of the final report would be January 15, 1980.

Vice-Mayor Horton moved to approve the agreement with Patton, Hunter and Company for the installation of a procedural and reporting system for the Water and Sewer Department. This motion was seconded by Councilwoman Price and carried unanimously.

The City Manager said the ordinance would be distributed to all parties involved including the volunteer fire departments and would be pursued according to law in enforcement.

Councilman Cole moved for the adoption of Ordinance No. 1128. This motion was seconded by Councilman Morris.

On a roll call vote of 7-0, Ordinance No. 1128 passed on first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1128. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1128 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1128. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1128 passed on third and final reading.

Complete text of Ordinance No. 1128 will be found in Ordinance Book No. 9 at page 48.

APPROVAL OF THE SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECT

7. Consideration was given to the approval of the sale of Disposal Parcels in the East Riverside Renewal Project.

The City Manager presented a letter from the Housing Authority of the City of Asheville which stated that the following bids for disposal parcels in the East Riverside Renewal Project has been received:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
10	Residential	2,700	2,700	T. O. McCurry
57C	Commercial	67,000	75,000	Edward E. Crouch, MD
123	Commercial	39,000	39,000	James C. McDonald, DPM

Since several members of Council had questions relative to the sale of the disposal parcels, each individual parcel was discussed and voted upon separately.

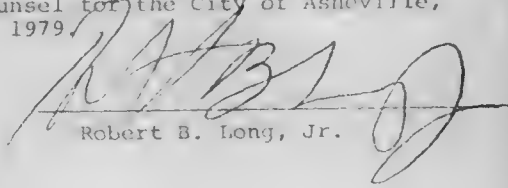
Vice-Mayor Horton moved to approve the sale of Disposal Parcel #10 to T. O. McCurry in the amount of \$2,700. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Cole moved to approve the sale of Disposal Parcel #57C to Edward E. Crouch, M. D. in the amount of \$75,000. This motion was seconded by Councilwoman Price.

Councilman Morris expressed concern relative to the sale of Disposal Parcel #57C to Edward E. Crouch, M. D. He said the ABC Board has been displaced in the Urban Renewal area and had expressed an interest in constructing an ABC Store on Lot #57C.

CERTIFICATE OF SERVICE

I, ROBERT B. LONG, JR., hereby certify that the foregoing Notice of Appeal has been served by delivering a copy thereof to the Mayor of the City of Asheville, City Manager of the City of Asheville and Counsel for the City of Asheville, this 29th day of August, 1979.



Robert B. Long, Jr.

PRESENTATION BY HOUSING PROJECTS, INC., BATTERY PARK HOTEL, INC., AND BATTERY PARK ASSOCIATES, LTD. RELATIVE TO DENIAL OF CERTIFICATE OF APPROPRIATENESS BY THE ASHEVILLE REVITALIZATION COMMISSION

9. A presentation was given by Housing Projects, Inc., Battery Park Hotel, Inc., and Battery Park Associates, Ltd. relative to the denial of a Certificate of Appropriateness by the Asheville Revitalization Commission.

Mr. Robert Long, Attorney for Housing Projects, Inc., said Housing Projects, Inc., Battery Park Hotel, Inc., and Battery Park Associates, Ltd. are appealing to the City Council as to the ruling of the Asheville Revitalization Commission relative to the denial of a Certificate of Appropriateness on August 15, 1979. He presented and reviewed the following documents which was requested to be entered into the minutes:

COURTNEY OF HUNTERMAN
CITY OF ASHEVILLE

NOTICE OF APPEAL

TO: The Mayor and Council of the City of Asheville
City Manager
Council for the City of Asheville

PLEASE TAKE NOTICE that Housing Projects, Inc., Battery Park Hotel, Inc., and Battery Park Associates, Ltd. have appealed the denial of Certificate of Appropriateness by the Asheville Revitalization Commission to the Council of the City of Asheville, such denial having occurred on the 15th day of August, 1979, and formal request is hereby made that said cause, the appeal of which is made pursuant to Ordinance No. 954, Section 9, be placed on the agenda of the Council of the City of Asheville for hearing on such appeal on the 30th day of August, 1979, and request is hereby made for certification of all the records in connection therewith be made from the Asheville Revitalization Commission to the Council of the City of Asheville.

Counsel appearing for said appealing parties will be Gaither Walser, Lexington, North Carolina, and Robert B. Long, Jr., Asheville, North Carolina, this 29th day of August, 1979.

HOUSING PROJECTS, INC.

By Billy P. Blundell
BATTERY PARK HOTEL, INC.

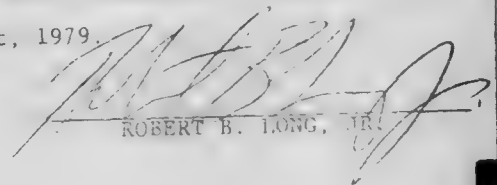
By DM Blundell
BATTERY PARK ASSOCIATES, LTD.

By Billy P. Blundell

CERTIFICATE OF SERVICE

I, ROBERT B. LONG, JR., one of the attorneys for BATTERY PARK HOTEL, INC., HOUSING PROJECTS, INC., and BATTERY PARK ASSOCIATES, LTD., hereby certify that I have this date hand delivered a copy of the foregoing Notice of Appeal to Offices of Richard Thornton and Neil Emrick OF The Asheville Revitalization Commission and to the Office of _____, at the office of the City Manager of the City of Asheville, North Carolina, City Hall, Asheville, North Carolina.

This the 24 day of August, 1979.


ROBERT B. LONG, JR.

CITY OF ASHEVILLE

BEFORE THE REVITALIZATION COMMISSION

NOTICE OF APPEAL

NOW COME, BATTERY PARK HOTEL, INC., HOUSING PROJECTS, INC., and BATTERY PARK ASSOCIATES, LTD., parties interested herein, and give Notice of Appeal to the Council of the City of Asheville from the refusal of the Asheville Revitalization Commission to issue a Certificate of Appropriateness to BATTERY PARK HOTEL, INC., HOUSING PROJECTS, INC., and BATTERY PARK ASSOCIATES, LTD., for reconstruction of that property formerly known as Battery Park Hotel and which is more particularly described in the plans submitted to the Asheville Revitalization Commission, which said denial of Certificate of Appropriateness was made by the Asheville Revitalization Commission on the 15th day of August, 1979. The reason for the Appeal is that said denial is unlawful, not within the jurisdiction of the said Asheville Revitalization Commission, contrary to the revitalization plan formally adopted by the said Commission and the Council of the City of Asheville, unconstitutional, arbitrary and capricious in that the same was based upon matters not within the authority of the Asheville Revitalization Commission. Immediate request is hereby made that all records in connection with said application for Certificate of Appropriateness and the denial of the same by the Asheville Revitalization Commission be certified to the Council of the City of Asheville for consideration of this Appeal.

This the 24th day of August, 1979.

BATTERY PARK HOTEL, INC.

BY: DMH. Lowell

HOUSING PROJECTS, INC.

BY: Bill R. Medwin

BATTERY PARK ASSOCIATES, LTD.

BY: Bill R. Medwin

ARTICLE 10. ADMINISTRATION, ENFORCEMENT,
BUILDING PERMITS, CERTIFICATE OF OCCUPANCY,
PENALTIES AND CONDITIONAL USES.

Sec. 30-10-1. Zoning Administrator.

The Building Inspector is hereby designated as the Zoning Administrator of the City of Asheville and he is empowered to administer and enforce this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal loadings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Sec. 30-10-2. Application for a Zoning Permit.

All applications for zoning permits shall be accompanied by plans in triplicate drawn to scale which indicate the following:

- A. The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed.
- B. The location of said lot with respect to adjacent rights-of-way.
- C. The shape, dimensions, and location of all buildings existing and proposed on the said lot.
- D. The nature of the proposed use of the building or lot, including the extent and location of the use on the said lot.
- E. The location and dimensions of off-street parking and means of ingress and egress to such space.
- F. Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

One copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans shall be retained by the Zoning Administrator.

MEMORANDUM OF POINTS ON REVITALIZATION COMMISSION
AND BUILDING PERMITS

187

1. There is nothing in the Zoning Ordinance giving any power to the Revitalization Commission to allow or withhold a building permit. This power is vested in the Building Inspector/Zoning Administrator. See attached portion of Zoning Ordinance.

2. There is nothing in Ordinance 954 that purports to give the power to the Revitalization Commission to grant or deny a building permit or to grant or deny a "certificate of appropriateness". For instance, a reading of Section 2 of such Ordinance entitled "Purpose and Powers of the Commission" nowhere establishes a purpose of reviewing building permits or the use of property within the downtown revitalization area. A reading of the powers of the Commission contained in Section 2 of the Ordinance likewise contains no grant of authority with regard to building permits or to the use of property within the downtown improvement district.

Finally, under Section 6, dealing with urban design and architectural harmony, any authority of the Board is related to plans for exterior building rehabilitation, etc. and does not relate to the usage of the property. In fact, the plan project passed the Design Review Board and no question has been raised at any time as to the appropriateness of the exterior building rehabilitation. The sole basis of the rejection of the project by the Revitalization Commission was on the basis of the use to which the property would be put. See attached sections of the Ordinance for documentation of authority.

3. Finally, the downtown improvement plan, Part III, Chapter 15, at page 15-17, gives the uses to which such area, will be devoted. Specifically, as attached, the plan envisions that the hotel will soon be converted to "some form of housing with commercial uses on lower levels". This is the exact usage to which the developer herein will put the property. Finally, in the same section, it is stated: "The ultimate land utilization would probably be a mixture of government buildings, high-rise housing and regional shopping center." Thus it can be seen that even the plan itself envisions this exact use, as the developer involved herein is the same developer who has been working on this plan for over two (2) years and has invested hundreds of thousands of dollars and a great deal of time in bringing it to the point of fruition.

4. Finally, it may be stated without equivocation that the project intended for rehabilitation of the Battery Park, involving three and one-half million dollars, has met both the zoning requirements and the building code. It is a matter of fact that a building permit would have been issued in this case except for instructions to the Building Inspector/Zoning Administrator, that such building permit should not be issued unless approved by the Asheville Revitalization Commission. The law of the State of North Carolina is specific that a building inspector has no discretion to withhold a building permit when the project meets applicable zoning restrictions and the plans and specifications comply with the building code. See attached, Quadrant Corporation v. Kinston, 22 N.C. App. 31 (1973).

5. For the foregoing reasons, the action of the Asheville Revitalization Commission should be reversed and the building inspector should be allowed to issue the building permit necessary to bring this controversy to an end.

(h) The Commission is authorized to appoint committees from its membership whose function shall be fixed by the Commission at the time of appointment. Such committees may be standing committees and shall perform such duties as may be assigned by the Commission.

(i) The Commission is further authorized to employ with the approval of City Council an executive director who, with the Planning Director of the City of Asheville, will coordinate the planning and implementation of all projects undertaken by the Commission. In addition the Commission, with the approval of City Council, is authorized to employ such staff, technical experts and such other consultants and agents as it may require, and shall determine their qualifications, duties, and compensation. The Commission may, with the consent of the City Manager, call upon other city departments for such support services as it may require. All personnel employed in the operation of the Commission shall be employees of the Commission and shall be appointed and removed in the same manner as determined by the Commission.

(j) The Commission shall be embodied for a period of five (5) years and its existence may be continued by resolution by the City Council, or in the absence of a resolution to continue the Commission's existence, until all its liabilities have been met. Upon its ceasing to exist, all its rights and properties shall pass to the City.

Section 2. Purpose and Powers of the Commission

(a) Subject to such limitations as may be imposed by law or by the ordinances of the City of Asheville, the Commission shall be embodied for the following purpose in order to further the public welfare:

- (1) to facilitate downtown redevelopment, improvement, and revitalization;

Sec. 30-10-3. Certificate of Occupancy.

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Sec. 30-10-4. Denial of Certificate of Occupancy.

If the certificate of occupancy is denied, the applicant may appeal the action of the Building Inspector to the Board of Adjustment.

Sec. 30-10-5. Construction and Use to be as Provided in Applications, Plans, and Permits.

Building permits or certificate of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Sec. 30-10-8 hereof.

Sec. 30-10-6. Application for Building Permit.

Building permits shall not be issued until an applicant has first received a zoning permit.

Sec. 30-10-7. Remedies.

If any building is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Zoning Administrator or other appropriate authority or any adjacent or other property owner who would be damaged by such violation may institute injunction or other appropriate action in proceeding to stop the violation.

Sec. 30-10-8. Penalties for Violation.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction shall be fined, as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

Sec. 30-10-9. Conditional Uses.

Conditional uses shall be approved by the Board of Adjustment.

- or any agency, instrumentality or agent of the above, and to expend the proceeds toward the accomplishment of the Commission's purposes;
- (4) to act as an agent of the City with Council's approval to acquire, by purchase, gift, or donation, real and personal property within the established Downtown Improvement District;
 - (5) to administer a revolving rehabilitation loan program for the downtown district jointly with the City;
 - (6) to do all things, subject to limitations as may be imposed by law or by the ordinances of the City of Asheville, necessary and convenient to carry out the purposes of the Commission for the public welfare;
 - (7) to appoint special task forces to make recommendations to the entire Commission relative to specialized studies which further the implementation of the plan.

Section 3. Designation of a Downtown Improvement District Boundary.

The Commission shall delineate a geographical boundary for the establishment of a Downtown Improvement District. The district shall be delineated and defined by an official map. The district boundary may be altered or otherwise changed by resolution of the City Council.

Section 4. Downtown Improvement District Plan.

The Commission shall develop and adopt a development plan for the area within the Downtown Improvement District. By April 1, 1978, the Commission shall submit a plan to City Council, said plan shall include, as a minimum, a statement of goals and an

- (2) to promote the downtown district and commercial, service, and public activities within the downtown district;
- (3) to foster communication and coordination among the downtown establishments, property owners, the City and all interested agencies and organizations within the metropolitan area;
- (4) to recruit new commercial or services establishments or activities into the downtown district;
- (5) to conduct planning and feasibility assessment required to support downtown redevelopment and revitalization;
- (6) to provide merchandising assistance and support services to downtown commercial and service activities on a reimbursement basis; and
- (7) to extend its role of revitalization to the remaining commercial areas of the City at the discretion of the Commission.

(b) To carry out said purposes, the Commission shall have the power:

- (1) to make Bylaws for the management and regulation of its affairs and furtherance of public purposes, said Bylaws may be approved by Council;
- (2) to make contracts or leases and to execute all instruments necessary or convenient;
- (3) To accept grants, funds, loans or contributions from the United States, the State of North Carolina, the City of Asheville or the County of Buncombe, any private or public corporation, any individual

The Commission shall base its approval or disapproval on the conformity of the proposal for improvements with the approved plan for the district. A Design Review Board shall be established by the Commission to review each redeveloper's plans and to advise the Commission on such matters as: (1) harmony of design; (2) landscaping; (3) provisions for open spaces; (4) adequacy of off-street parking; (4) adequacy of signage; (6) provisions of aesthetic objects; (7) underground wiring; (8) litter, trash, and garbage collection; and (9) other provisions of the approved plan.

The Design Review Board will consist of the Executive Director of the Commission, the Director of Planning, the Chairman of the Planning and Zoning Commission, and four (4) architects appointed by the Commission. The Design Review Board shall also review the redeveloper's final plans to ascertain their conformity with preliminary plans. The Design Review Board shall consider each redeveloper's proposal as expeditiously as possible in order to avoid delay in construction of improvements. The Review Board's recommendations shall be brought before the Commission by the Executive Director of the Commission; and if no action is taken within thirty (30) days, the recommendation of the Review Board will be presumed to be endorsed by the Commission.

Section 7. Moneys of the Commission

All moneys of the Commission shall be paid to the Director of Finance of the City as agent of the Commission, who shall designate depositories and who shall maintain separate accountability for all moneys of the Commission. Commission moneys shall be paid out on written requisition of the Chairman of the Commission or of such other person or persons as the Commission may authorize to make such requisitions. All deposits of such moneys shall be secured in the manner provided by law for securing deposits of moneys of the City. The Director of Finance of the City and his legally authorized representatives are authorized and empowered

economic strategy for the Downtown Improvement District and physical design to accomplish said goals and strategy. In addition, said plan shall serve as a guide for downtown development and a framework for decision-making. Within thirty (30) days after adoption of the plan by the Commission, it shall be submitted to the City Council, the Asheville Planning and Zoning Commission, other interested organizations and agencies and the general public for consideration and comment. Said plan must be certified by the Asheville Planning and Zoning Commission as being consistent with the overall development plan for the City and must be approved by the City Council within sixty (60) days after its submission. If the Asheville Planning and Zoning Commission cannot make such certification, it shall be the responsibility of the Commission to make such necessary modification in its plan to secure the Planning and Zoning Commission's certification and the City Council's approval. Amendments to the Commission's plan and programs for implementation must be certified and approved by the same procedure.

Section 5. Reports to City Council.

The Commission shall submit quarterly, a report of its activities and recommendations to the City Council and shall submit copies of its minutes and proceedings of its regular and special meetings. Said reports shall be filed with the City Clerk.

Section 6. Urban Design and Architectural Harmony.

In order to create and maintain harmony of architecture and quality of design all plans for exterior building rehabilitation, demolition, new construction, parking areas, street pattern changes, creation of parks or open spaces, landscaping, or signage to be undertaken within the Downtown Improvement District shall be approved by the Commission.

Quadrant Corp. v. City of Kinston

which presupposes the theft by another, we hold that the judgment of nonsuit should have been granted. Whether the possession of the stolen items under the circumstances outlined would be sufficient to sustain a larceny charge is not before us. We do note, however, that receiving is not a lesser included offense of larceny; and jeopardy has not attached as to a proper larceny indictment. *State v. Neill*, 244 N.C. 252, 93 S.E. 2d 155 (1956); *State v. Brady*, 237 N.C. 675, 75 S.E. 2d 791 (1953); *State v. Cassada*, 6 N.C. App. 629, 170 S.E. 2d 575 (1969).

The judgment is reversed.

Judge BRITT and Judge HEDRICK concur.

THE QUADRANT CORPORATION v. CITY OF KINSTON, A MUNICIPAL CORPORATION, AND C. ROSS HILL, BUILDING INSPECTOR OF THE CITY OF KINSTON

No. 748SC215

(Filed 5 June 1971)

1. Municipal Corporations § 30—building permit—discretion of building inspector

A building inspector had no discretion to withhold a building permit for the construction of apartment, where the applicable zoning restrictions permitted the construction of multiple dwellings on the applicant's property and the plans and specifications for the proposed structures showed that the apartments complied with lot size and other space requirements embodied in the zoning laws.

2. Municipal Corporations § 30—decision of board of adjustment—finality

Decision by the board of adjustment that plaintiffs are entitled to a building permit is final where no aggrieved party sought review of the decision in the superior court. G.S. 160A-588(e).

APPEAL by defendants from *Cowper, Judge*, 13 August 1973 Session of Superior Court held in LENOIR County.

Plaintiff brought this action for mandamus to compel defendants to issue a building permit.

On 23 March 1973, plaintiff applied to C. Ross Hill, Building Inspector for the City of Kinston, for a building permit to construct apartments. The construction site was zoned RA-6 (Residential), a classification which includes multiple dwellings

exteriors remain unchanged. See Map 14.1 in Chapter Fourteen for locations and boundaries of Urban Villages.

Civic Center: Is unlikely that any significant changes will occur here within the next twenty-five years. Usage will remain primarily institutional with a single high-rise apartment building (Vanderbilt Apartments). It is probable that the parking garage across the street will be replaced eventually by a more substantial structure.

Battery Hill: This is envisioned as becoming one of the most prestigious shopping districts in the Southeast. It is currently occupied by public sector employment, the vacant Battery Park Hotel and several successful retail stores, the Wall Street speciality shopping area, and several under-utilized parking lots. The situation is changing however. The hotel will soon be converted to some form of housing with commercial uses on lower levels. Well-planned conversion of the Federal Building back into a shopping mall would probably be an adequate "magnet" to attract expansion or development of a major department store. This in turn would encourage more intense use of parking facilities and development of several high fashion stores nearby. The ultimate land utilization would probably be a mixture of governmental buildings, high rise housing and regional shopping center.

Pritchard Park: This area contains Asheville's traditional shopping district and two of the three major commercial buildings constructed in the Central Core since 1930. Many of the larger buildings and most of the upper levels are vacant. Several businesses have recently come into the area but they are different than their predecessors. The most successful are high quality establishments such as restaurants and specialty shops.

The street level spaces of smaller buildings in this village will probably continue in uses similar to the present. The futures of the former

Quadrant Corp. v. City of Kinston

It was entitled to a permit, that no aggrieved party appealed a decision, and that that decision is final. We note that again the court's conclusions of law are supported by facts found and admitted. *Manufacturing Co. v. Clayton, Acting Commr. of Revenue, supra; Insurance Co. v. Motors, supra*. Numerous decisions support the legal proposition that ordinarily Board of Adjustment decisions are final. *E.g., Yancey v. Heafner*, 268 N.C. 33, 150 S.E. 2d 440; *Danham County v. Addison*, 262 N.C. 30, 136 S.E. 2d 600.

In addition to concluding that the Board's decision was final, the court also concluded that "the Board of Adjustment did have before it [when it made its decision] all pertinent facts and circumstances and that it did make a full and impartial inquiry into all matters and things which it should have considered. . . ." Although this conclusion was apparently designed to answer defendants' argument that the Board considered insufficient evidence and failed to comply with the terms of its statutory charter, it is extraneous to plaintiff's right to mandamus. Defendants were not in a position, within the context of this action, to challenge the validity and propriety of the Board's decision. G.S. 160A-388(c) provides that all decisions of a Board of Adjustment are subject to review by the superior court by proceedings in the nature of certiorari. The Code of the City of Kinston includes the following.

"Sec. 24-41. Appeals from decision of board.

Any person or persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer, or any officer, department, board, or bureau of the city may, within thirty (30) days after the filing of the decision in the office of the board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said board shall be subject to review as provided by law. (Ord. of 5-1-50, § 12)"

Defendants have complied with neither G.S. 160A-388 nor Section 24-41. The judgment from which defendants appealed is affirmed.

Affirmed.

Judges CAMPBELL and MORRIS concur.

 Quadrant Corp. v. City of Kinston

as a permitted use provided minimum lot size and other space requirements are satisfied. Plaintiff submitted scale drawings of the property and proposed buildings which depict the proposed placement of the structures. Hill refused to issue a permit and informed plaintiff that the matter should be referred to the Kinston Board of Adjustment for review. On 2 April 1973, plaintiff applied to the Board of Adjustment for a building permit. The Board determined that plaintiff's request for a permit should be granted. Defendant appellant did not petition the superior court to review that decision. Hill still refused to issue the permit. He told plaintiff that the Kinston Board of Aldermen would have to review the matter. On two occasions, the Aldermen declined to authorize the issuance of a permit.

Plaintiff then brought this action for mandamus. After making findings of fact and conclusions of law, the court directed defendants to issue the building permit upon plaintiff's request and payment of the required fees.

Barden, Stith, McCotter & Stith by Laurence A. Stith for plaintiff appellee.

Vernon H. Rochelle for defendant appellants.

VAUGHN, Judge.

[1] Defendants except to the entry of the judgment and argue, in effect, that the judgment is based on erroneous conclusions of law. With respect to defendant Hill, the court determined that "the Building Inspector should have issued such permit forthwith upon the application made to him. . . ." This conclusion is supported by the facts found and admitted. *Manufacturing Co. v. Clayton, Acting Comr. of Revenue*, 265 N.C. 165, 143 S.E. 2d 113; *Insurance Co. v. Motors*, 264 N.C. 444, 142 S.E. 2d 13. The court found and defendants admitted that applicable zoning restrictions permitted the construction of multiple dwellings on plaintiff's property. The court further found and defendants also admitted the plans and specifications for the proposed structures indicated that the apartments complied with the lot size and other space requirements embodied in the zoning laws. From these findings, it follows that as a matter of law, Hill had no discretion to withhold the requested building permit. See *In re Application of Construction Co.*, 272 N.C. 715, 158 S.E. 2d 887; *Mitchell v. Barfield*, 232 N.C. 325, 59 S.E. 2d 810.

[2] So far as the Board of Adjustment of the City of Kinston is concerned, the court concluded that the Board determined plain-

Mr. Long said a commitment was received from the Department of Housing and Urban Development to provide subsidized housing in the renovation of the Battery Park Hotel for elderly housing. He said the private project, consisting of 122 units, would cost three and one-half million dollars.

Mr. Long said in the present condition the building brings in about \$3,000 in taxes and with the renovation as planned the hotel would bring in about \$18,000 in taxes.

He said the closing with HUD was to take place on August 16, 1979 and the only prerequisite was the issuance of a building permit for the renovations. He said an application for the building permit was made, which project met all zoning requirements of the City of Asheville and the plans and specifications for the building renovations met all applicable building codes, including that of the State of North Carolina. He said Mr. Johnson of the Inspections Division informed them that he could not issue the building permit unless the project was approved by the Asheville Revitalization Commission. He said a meeting was held with the Asheville Revitalization Commission on August 15, 1979 at which time a Certificate of Appropriateness for the project was denied and the Building Inspector could not issue the building permit without approval of the Asheville Revitalization Commission.

Mr. Long said the parties involved obtained a "reinstatement right" from HUD if the project can be closed before September 30, 1979. He said after that time any commitment of HUD would be invalid.

The Corporation Counsel advised Council to take the information received under advisement and to schedule a work session on the matter.

Upon inquiry of Councilman Cole, Mr. Gaither Walsher, attorney representing the appellants, said the developer purchased the property in 1976 and it was not unusual for a project to take this long in obtaining approval from HUD.

Upon inquiry of Councilman Rainey, Mr. Blackwell of Housing Projects, Inc. said he has not had any contacts in the past two or three months for a convention business.

Councilman Rainey requested that the matter be scheduled for next week's agenda.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE ASHEVILLE ABC BOARD FOR PROPERTY ON AIRPORT ROAD

10. Consideration was given to a resolution authorizing the Mayor to execute a lease agreement with the Asheville ABC Board for property on Airport Road.

The City Manager read the resolution.

Vice-Mayor Horton suggested that the resolution be tabled until more information could be obtained from the ABC Board relative to the justification for another ABC store.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

A F F I D A V I T

BILLY P. SHADRICK, being first duly sworn, deposes and says:

That he is an officer of Housing Projects, Inc. and a general partner in Battery Park Associates, L.T.D., and as such, makes this Affidavit, for and on behalf of said entities.

That acting on behalf on said entities, he personally applied to the Building Inspector/ Zoning Administrator of the City of Asheville, Mr. J.E. Johnson, for a building permit for the construction project involving the renovation of the old Battery Park Hotel and paid the necessary fees in the amount stipulated by Mr. J.E. Johnson for issuance of such building permit, on the 10th day of August, 1979. That on or about August 15, 1979, Mr. J.E. Johnson failed to issue the building permit. That in conversations with Mr. J.E. Johnson, Building Inspector/Zoning Administrator for the City of Asheville, the undersigned, in company with his attorneys and others, has been informed that the project meets all zoning requirements of the City of Asheville, such location being in a commercial regional zoning district, and further, that the plans and specifications for the building renovations meet all applicable building codes, including that of the State of North Carolina. That, further, Mr. J.E. Johnson, has personally informed this Affiant that the only reason he has not issued the building permit is that he has received instructions not to do so unless the project is approved by the group known as, "The Asheville Revitalization Commission".

This the 30 day of August, 1979.

Billy P. Shadrick
BILLY P. SHADRICK

SWORN TO AND SUBSCRIBED before me,
this the 30 day of August, 1979.

Mary E. Anderson
NOTARY PUBLIC

My Commission expires: 11-29-82

BUDGET AMENDMENT - AMENDING 1979-80 OPERATING BUDGET

14. Consideration was given to a budget amendment amending the 1979-80 Operating Budget.

The City Manager presented the budget amendment and said this amendment is to reallocate funding for the City's Fiscal 1979-80 Pay Plan as approved by Council to each of the City's Departments and Divisions. The General Funds would be amended by \$783,665 and the Water and Sewer Operating Fund would be amended by \$174,138.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 79-201 - RESOLUTION AUTHORIZING THE DISPOSAL OF THE CITY'S FRONT-END LOADERS TO OTHER GOVERNMENTAL UNITS

15. Consideration was given to a resolution authorizing the Disposal of the City's front-end loaders to other governmental units.

The City Manager read the resolution. He said the City has six front-end loader garbage trucks which are no longer being used and one truck is leased with an option to buy at a previously agreed on price of \$46,145 and the purchase of such truck and subsequent resale for the same price is in the best interest of the City. The other trucks have been appraised at the following values:

<u>Truck Number</u>	<u>Appraised Value</u>
#338	\$25,350
#339	\$11,750
#327	\$23,850
#313	\$27,500
#336	\$33,750

He said this resolution will authorize the Mayor to execute the purchase option on the leased vehicle and the other vehicles be declared surplus and the Mayor be authorized to sell the equipment to any governmental unit at the above appraised values.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-201 was unanimously adopted.

Complete text of Resolution No. 79-201 will be found in Resolution Book No. 11 at page 302.

SCHEDULE OF COMMUNITY DEVELOPMENT PUBLIC HEARINGS

16. The City Manager presented the following schedule of Community Development Public Hearings:

Biltmore Elementary School	September 4, 1979	Tuesday	7:30 p. m.
William Randolph School	September 11, 1979	Tuesday	7:30 p. m.
Hilltop Community Center	September 18, 1979	Tuesday	7:30 p. m.
Aycock School	October 2, 1979	Tuesday	7:30 p. m.

Vice-Mayor Horton moved to delay action on the resolution until more information could be obtained from the ABC Board. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 79-199 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SKYLAND JANITORIAL SERVICE FOR ANNUAL CUSTODIAL SERVICES IN THE TERMINAL BUILDING AT THE ASHEVILLE AIRPORT

11. Consideration was given to a resolution authorizing the Mayor to execute a contract with Skyland Janitorial Service for annual custodial services in the terminal building at the Asheville Airport.

The City Manager read the resolution. He said the City/County Aviation Committee has reviewed the contract and has recommended its acceptance.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-199 was unanimously adopted.

Complete text of Resolution No. 79-199 will be found in Resolution Book No. 11 at page 300.

RESOLUTION NO. 79-200 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SEEK GRANT FUNDING FROM THE NORTH CAROLINA YOUTH ADVISORY COUNCIL FOR THE WESTERN NORTH CAROLINA NATURE CENTER PROJECT OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

12. Consideration was given to a resolution authorizing the Director of Parks and Recreation to seek grant funding from the North Carolina Youth Advisory Council for the Western North Carolina Nature Center Project of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution. He said the requested grant monies of \$500, of which no local matching is required, will be used to provide aesthetics and enhancement of a planned fox and bobcat habitat. Manpower and labor will be supplied by the members of the Youth Council to add the natural effects of the habitat to the basic structure.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 79-200 was unanimously adopted.

Complete text of Resolution No. 79-200 will be found in Resolution Book No. 11 at page 301.

BUDGET AMENDMENT - AMENDING 1979-80 CITY OF ASHEVILLE ANNUAL OPERATING BUDGET

13. Consideration was given to a budget amendment amending the 1979-80 City of Asheville Annual Operating Budget.

The City Manager presented the budget amendment and said this amendment in the amount of \$5,350 is to amend the Revenue Sharing Fund capital outlay budget to provide funding for Public Works to buy office furniture.

Councilman Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

AVIATION AUTHORITY CONCEPT ADOPTED

The City Manager said in talking with the County Commissioners during the past week an indication was given that Council would, in an official Council meeting, adopt the general concept of the establishment of an Aviation Authority.

Councilwoman Price moved that the Asheville City Council officially adopts the general concept of the establishment of an Aviation Authority and its further consideration. This motion was seconded by Councilman Cole and carried unanimously.

COMMITTEE ESTABLISHED TO EXAMINE TAX INEQUITIES

The City Manager said the establishment of a committee to examine tax inequities of City and County taxpayers was also discussed with the County Commissioners. He said it was the consensus of Council and the Commissioners to establish such a committee with the members of the committee consisting of the Water Committee, being Mayor Trantham, Councilwoman Price and Councilman Morris.

Councilman Rainey moved for the establishment of a committee to examine tax inequities with the members of the committee, for the City, to consist of Mayor Trantham, Councilwoman Price, and Councilman Morris. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REINTRODUCTION OF LOCAL GOVERNMENT STUDY COMMISSION REPORT

The City Manager said he felt this would be an ideal opportunity to reintroduce the Local Government Study Commission Report and to involve the Chairman of the Commission in preliminary discussions with the County.

Vice-Mayor Horton moved for the reintroduction of the Local Government Study Commission Report. This motion was seconded by Councilman Cole and carried unanimously.

REPORT FROM J. E. JOHNSON, BUILDING INSPECTOR - STEVENS HILL ROAD COMPLAINT

Mr. J. E. Johnson, of the Building Inspections Division, said he has been involved with the complaint of a gentleman on Stevens Hill Road continuously having trash and debris on his property since 1973. He said he has turned over all the documentations to the City Attorney to investigate the matter. He said the Health Department has also been involved with the complaint. He said his division has had the property cleaned on several occasions but within a month the property is again covered with trash and debris.

Several members of Council indicated that they had also received many complaints on the matter from residents in the area.

The City Attorney said he would investigate the matter further and report his recommendations to Council.

RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council about the lottery operations in Asheville.

Adjournment.

[Signature]
MAYOR

[Signature]
CITY CLERK

BUDGET AMENDMENT - AMENDING CITY OF ASHEVILLE FISCAL 1979-80 BUDGET

17. The City Manager presented a budget amendment amending the City of Asheville Fiscal 1979-80 budget to provide funding to continue operations at Recreation Park through December 31, 1979. The amount of the budget amendment is \$35,122. He said the Recreation Park was scheduled to be closed on August 30, 1979.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

PETITION - SANDON CIRCLE - 100 FT. TO BE INCLUDED IN STREET MAINTENANCE PROGRAM

The City Manager presented a petition received from residents of Sandon Circle requesting that the final 100 feet of Sandon Circle be included in the Asheville street maintenance program.

The City Manager said the petition would be presented to the Public Works Department for investigation and recommendation.

PROCLAMATION - JERRY LEWIS MUSCULAR DYSTROPHY TELETHON WEEKEND - SEPT. 2ND AND 3RD

Mayor Trantham proclaimed September 2nd and 3rd, 1979 as "Jerry Lewis Muscular Dystrophy Telethon Weekend."

PETITION - RICHMOND HILL DRIVE - EXTENSION OF CITY BUS SERVICE

The City Manager presented a petition received from residents of Richmond Hill Drive requesting for an extension of city bus service onto Richmond Hill Drive.

The City Manager said the petition would be presented to the Asheville Transit Authority for investigation and recommendation.

CLAIMS - MS. VICKIE D. MURPHY - MR. B. J. HENSLEY

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individuals have claims against the City of Asheville for damage:

Ms. Vickie D. Murphy 120-B Scott Street Asheville, N. C.	Damage to automobile, hit manhole cover
Mr. B. J. Hensley 43 Chadwick Wade Drive Asheville, N. C.	Damage to automobile, storm drain, Street Division

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-1, Ordinance No. 1127 passed on second reading.

SALE OF DISPOSAL PARCEL 123 - EAST RIVERSIDE RENEWAL PROJECT

4. Consideration of approval of the sale of Disposal Parcel No. 123 in the East Riverside Renewal Project to James C. McDonald DPM in the amount of \$39,000.

Larry Holt, Deputy Director of the Housing Authority said at last week's meeting Council postponed action on the approval of the sale of Disposal Parcel No. 123 to James C. McDonald, DPM until Dr. McDonald could give Council additional information relative to the proposed use of the land.

Dr. McDonald, proposed developer of Lot 123, said he plans to build a 12,000 square foot building on the 1.49 acres. He said for the present he would be using approximately 3,000 square feet for his own facility. He said the additional square footage would be leased, hopefully, for a neighborhood type business. He said he was in the process of contacting businesses for the use of the land, however, no firm commitments have been made.

Councilman Michael said it was his understanding that this lot and one additional lot in this area were set aside for a neighborhood trading area. He said he felt the lots should be used for their intended use.

Upon inquiry of Council, Mr. Holt said the developer must submit final plans and specifications for improvements to the property, which must be approved by a Design Review Board, before the closing of the purchase. He said the Design Review Board would review the plans in accordance with the redevelopment plan.

Council then discussed providing a stipulation on the sale of Lot 123 that Dr. McDonald use 60% of the square footage for commercial purposes.

Dr. McDonald responded that at the present he could not anticipate how much square footage he would need for expansion of his own facility and what tenants would be using the additional space. He said he needed time to seek tenants.

It was the consensus of Council that more detailed plans should be reviewed prior to approval. Dr. McDonald said he would work on a more specific proposal.

After discussion, Councilwoman Price moved to table action on the sale of Lot 123 until Dr. McDonald requested that the matter be considered further by Council. This motion was seconded by Councilman Michael and carried unanimously.

Thursday - September 6, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol S. Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 30, 1979 meeting.

Councilman Rainey requested that page 200 be amended as follows: The paragraph that reads "Upon inquiry of Councilman Rainey, Mr. Blackwell of Housing Projects, Inc. said he has not had any contacts in the past two or three months for a convention business" be amended to read as follows: "Upon inquiry of Councilman Rainey, Mr. Blackwell of Housing Projects, Inc. said he has not had any contacts in the past two or three months for purchasing his hotel."

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 30, 1979 meeting were approved as amended.

RESOLUTION NO. 79-202 - RESOLUTION COMMENDING THE ASHEVILLE HIGH SCHOOL MARINE CORP JUNIOR RESERVE OFFICER TRAINING CORP (MCJROTC) UNIT FOR BEING NAMED WINNER OF THE 1978-79 MARINE CORPS RESERVE OFFICERS' ASSOCIATION (MCROA) BEST UNIT AWARD

2. Consideration was given to a resolution commending the Asheville High School Marine Corp Junior Reserve Officer Training Corp (MCJROTC) Unit for being named winner of the 1978-79 Marine Corps Reserve Officers' Association (MCROA) Best Unit Award.

The City Manager read the resolution.

Upon motion of Vice-Mayor Horton, seconded by Councilwoman Price, Resolution No. 79-202 was unanimously adopted.

Complete text of Resolution No. 79-202 will be found in Resolution Book No. 11 at page 303.

ORDINANCE NO. 1127 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Fraternal and Philanthropic Organizations)

3. Consideration was given to the second reading of Ordinance No. 1127, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended including "Fraternal and philanthropic organizations" as Conditional Uses in the R-3, R-4, and R-5 Residential Districts and Office Institutional District.

Attorneys of Record:Galther S. WalserRobert B. Long, Jr.CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing Withdrawal of Appeal in the above entitled action on the Mayor of the City of Asheville, City Manager of the City of Asheville and the Counsel for the City of Asheville, this 6th day of September, 1979.

Robert B. Long, Jr.

RESOLUTION NO. 79-203 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

6. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue.

The City Manager read the resolution scheduling the public hearing for October 4, 1979.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-203 was unanimously adopted.

Complete text of Resolution No. 79-203 will be found in Resolution Book No. 11 at page 304.

RESOLUTION NO. 79-204 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING CONSTRUCTION OF NEW SIDEWALKS AT POPLAR AND CHARLOTTE STREET EXTENSION

7. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with the North Carolina Department of Transportation concerning construction of new sidewalks at Poplar and Charlotte Street Extension.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Reiney, Resolution No. 79-204 was unanimously adopted.

Complete text of Resolution No. 79-204 will be found in Resolution Book No. 11 at page 306.

REPORT REQUESTED ON FIRE IN OAKLEY

Councilman Michael requested a report of the Fire Department on the recent fire in Oakley.

REVIEW OF APPEAL BY HOUSING PROJECTS, INC., BATTERY PARK HOTEL, INC. AND BATTERY PARK ASSOCIATES, LTD. RELATIVE TO DENIAL OF A CERTIFICATE OF APPROPRIATENESS BY THE ASHEVILLE REVITALIZATION COMMISSION

5. The City Manager read the following statement of Housing Projects, Inc., Battery Park Hotel, Inc., and Battery Park Associates, Ltd.:

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

WITHDRAWAL OF APPEAL

To: The Mayor and Council of the City of Asheville

NOW COME Housing Projects, Inc., Battery Park Hotel, Inc., and Battery Park Associates, Ltd., acting by and through their Attorneys of Record, and hereby withdraw the Notice of Appeal heretofore filed and entered from the denial of a certificate of appropriateness by the Asheville Revitalization Commission and the denial of a building permit for renovation of the existing Battery Park Hotel property located in the City of Asheville.

This the 6th day of September, 1979.

HOUSING PROJECTS, INC.

By Billy R. Woodruff
President

BATTERY PARK HOTEL, INC.

By OmS. Shubert
President

BATTERY PARK ASSOCIATES, LTD.

By Billy R. Woodruff
General Partner

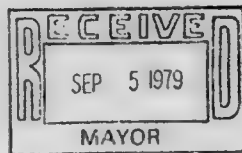
Jake Daniel Capps
Rt. 5, Box 179
Candler, N. C.

Damage to automobile
hit by Police cruiser in
rear

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

DOWNTOWN ASHEVILLE HISTORIC DISTRICT - CERTIFICATE PRESENTED

The City Manager presented the following letter stating that the Downtown Asheville Historic District has been entered in the National Register of Historic Places:



July 2, 1979

The Honorable Roy W. Trantham
Mayor, City of Asheville
P. O. Box 7148
Asheville, N.C. 28801

Dear Mayor Trantham:

Please accept the enclosed certificate which states that the Downtown Asheville Historic District has been entered in the National Register of Historic Places. You are most fortunate to maintain and preserve a property that justly deserves this honor.

The National Register has been called "a roll call of the tangible reminders of the history of the United States." It is, therefore, a pleasure for the Division of Archives and History to participate in this program and thereby make our nation aware of North Carolina's rich cultural heritage.

Should you wish to have this certificate presented to you formally by a representative of the State Historic Preservation Office, please feel free to contact us with your request and any arrangements you might want to make for the ceremony.

In order that we may keep our records up to date, it would be very helpful if you would notify us of any changes in ownership or of any major alteration of the property, including moving, destruction, remodeling, or restoration. We appreciate your efforts and your cooperation in preserving the best of our past for posterity.

Sincerely,

Larry E. Tise

Larry E. Tise
State Historic Preservation Officer

LET:slw

Enclosure

COUNCILMAN RAINEY - COMMENTS RELATIVE TO DOWNTOWN PARKING

Councilman Rainey reported that he recently toured downtown Asheville, at the request of the private parking lot owners. He pointed out that signs regulating parking at the north end of the Federal Arcade Building were missing. He said he was told that the signs are put up then torn down by unknown persons and as a result there are some 30 spaces which have become "free spaces" because the meter maids can not pass out tickets with the signs removed. He said some type of permanent sign needs to be installed.

Councilman Rainey said he also reviewed the tire marking procedures which revealed the tires being marked in the mornings and being checked in the afternoon which allows the cars to be on the streets for long periods of time. He said the parking project has provided free on-street parking for workers downtown rather than for shoppers. He said the private parking lot owners are being hurt by this practice. He said as the time of the year approaches that these lots do the most business Council should declare the present parking project a failure and begin another approach.

COUNCILMAN RAINEY - MOTION RELATIVE TO ANNEXATIONS

Councilman Rainey moved to schedule a public hearing on the annexation of the property known as the Asheville Country Club and an area off Patton Avenue near the Hilton property. This motion was seconded by Councilwoman Price.

Councilman Morris suggested that a two block residential area in the immediate area of the Asheville Country Club be included in the motion.

Councilman Rainey amended his motion to include the area referred to by Councilman Morris. Councilwoman Price agreed with the amendment.

Councilman Rainey's motion, on a voice vote, carried unanimously.

RESOLUTION NO. 79-205 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER FOR SHILOH RECREATION CENTER

Consideration was given to a resolution authorizing the Mayor to enter into a change order for Shiloh Recreation Center.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-205 was unanimously adopted.

Complete text of Resolution No. 79-205 will be found in Resolution Book No. 11 at page 307.

CLAIMS - CHARLES WILLIAM EMERSON - JAKE DANIEL CAPPS

The City Manager presented the following claims against the City received from Mr. W. R. Swearngan, Facility Services Superintendent:

Claims sent to St. Paul Fire and Marine Insurance:

Charles William Emerson
Rt. 1, Box 68
Weaverville, N.C.

Damage to automobile
hit by Sanitation truck

EXHIBIT ON DISPLAY - "BLACK PRESENCE IN NORTH CAROLINA"

The City Manager announced that the exhibit of the "Black Presence in North Carolina" will be at the Smith-McDowell House on the campus of Asheville-Buncombe Technical College from September 5, 1979 through September 12, 1979. He said this historical exhibit is sponsored by the Western N. C. Historical Association.

PROCLAMATION - NATIONAL CANCER DAY - SEPTEMBER 8, 1979

Mayor Trantham proclaimed September 8, 1979 as National Cancer Day.

REPORT ON COMPLAINT REGISTERED BY ORMA BOWIE

The City Manager said he would have a report at next week's meeting, on the complaint registered by Ms. Orma Bowie, relative to the Police Department.

RALPH BISHOP - REDRESS OF COUNCIL - POLICE DEPARTMENT

Mr. Ralph Bishop again spoke to Council relative to his seeking redress of Council relative to the corruption of the Police Department.

Adjournment.


MAYOR


CITY CLERK

- A. Approval of bids received September 7, 1979 for two (2) 1980 1/2 ton pickup trucks for Sanitation Division.

HIGHLIGHTS: Two (2) bids were received. Only the low bid qualified. Recommendation of acceptance of low bid submitted by Matthews Motors, Inc. in the amount of \$5,466.18. Funding: Revenue Sharing Trust Fund Capital Outlay Equipment, Sanitation Division, Account 50-15-428.0074

- B. Approval of budget amendment amending the City of Asheville Parks and Recreation Department fiscal budget for 1979-80.

HIGHLIGHTS: This amendment in the amount of \$2,500.00 is to set up appropriate revenue and expenditure accounts to accommodate the execution of a contract for Community Based Alternative funds from the North Carolina Department of Human Resources - Division of Youth Services. These funds are to be used to purchase uniforms for the various youth groups which have been formulated to aid in deterring the juvenile delinquency rate in the Hillcrest community.

- C. Approval of a budget amendment amending the City of Asheville Fiscal 1979-80 Operating Budget.

HIGHLIGHTS: This budget amendment is to make funds available in the Insurance and Bonds line items against which insurance costs will be charged. General Funds - \$41,450; Water and Sewer Operating Fund - \$39,150.

- D. Scheduling of a public hearing for the rezoning of property in Beverly Hills from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District for October 11, 1979.

HIGHLIGHTS: Planning and Zoning Commission at a meeting held September 5, 1979 considered a petition from the residents of the Beverly Hills area that their property, be rezoned from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District. Planning and Zoning Commission recommended that the property be rezoned as petitioned.

- E. Scheduling of a public hearing for the rezoning of property on Sweeten Creek Road from R-3 Residential District to R-5 Residential District for October 11, 1979

HIGHLIGHTS: Planning and Zoning Commission at a meeting held on September 5, 1979 considered the petition of Mr. Herman Wyatt by Attorney William Biggers that certain lots on Sweeten Creek Road be rezoned from R-3 Residential District to R-5 Residential District. Planning and Zoning Commission recommended that the property be rezoned as petitioned.

Thursday - September 13, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol S. Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 6, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the September 6, 1979 meeting were approved as submitted.

ORDINANCE NO. 1127 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Fraternal and Philanthropic Organizations)

2. Consideration was given to the third reading of Ordinance No. 1127, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended including "Fraternal and Philanthropic Organizations" as Conditional Uses in the R-3, R-4, and R-5 Residential Districts and Office Institutional District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1127 passed on third and final reading.

Complete text of Ordinance No. 1127 will be found in Ordinance Book No.

9 at page 47.

APPROVAL OF CONSENT AGENDA

3. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Vice-Mayor Horton said he felt Council was approaching Councilman Michael's suggestion by the recent reintroduction of the Asheville-Buncombe Local Government Study Commission Report.

PETITION - RESIDENTS OF CISCO ROAD - WATER PROBLEMS

Councilman Rainey presented a petition signed by approximately 51 residents of Cisco Road. The petition reads as follows:

September 4, 1979

The Mayor of the City of Asheville
Members of the City Council
Asheville, North Carolina

We, the undersigned, respectfully request your immediate and careful attention to the following conditions which affect the welfare and safety of the city residents of Cisco Road, especially those living between its crossing of Old Haw Creek Road and the city limit boundary:

1. A two-inch water main serves city residents of Cisco Road, including twenty-two residences between the two limits noted above, as well as those residences between New Haw Creek Road and Old Haw Creek Road.
2. Consequently, water pressure and flow are often greatly reduced, and on some occasions completely vanish, especially for those city residents who live furthest up the hill toward the city limit boundary. This condition has worsened with the addition of each new home on Cisco Road.
3. Because of inadequate water pressure and flow, there are no fire hydrants available for the protection of most city residences on Cisco Road. The hydrant closest by road is located at the corner of Cisco Road and New Haw Creek Road, a distance of three-quarters of a mile from the residence nearest to and within the city limit line.
4. Sewer facilities are not available to the three city residences closest to the city limit boundary. Two of these property owners have been forced to use septic tank sewage disposal for nineteen or more years.

DOWNTOWN MOTEL - OBVIOUS PROSTITUTION

Councilman Rainey submitted to the City Manager the name of a downtown motel which is obviously soliciting prostitution. He said this open prostitution should come to a halt or at least have less open solicitation.

The City Manager said he would have a report on this matter at next week's Council meeting.

The Corporation Counsel said when someone is arrested for prostitution the fine is usually no more than \$50.00. He said prostitution must be proven before a conviction is obtained.

- F. Scheduling of a public hearing to amend the Zoning Ordinance to include "Family Care Homes" and "Group Homes for Developmentally Disabled Adults" as Conditional Uses in all residential zoning districts and in the Office Institutional District for October 18, 1979.

HIGHLIGHTS: Planning and Zoning Commission at a meeting held on September 5, 1979 considered the request of Mrs. Mildred Graham by Attorney John Powell that "Family Care Homes" be allowed in any and all residential zoning districts of the City of Asheville. Planning and Zoning Commission recommended that they be allowed as Conditional Uses.

- G. Resolution no. 79-206 - Resolution authorizing the Mayor to enter into an agreement with the Buncombe County Commissioners for a federal grant under the Comprehensive Employment and Training Act of 1973 for Fiscal Year 1979-80.

HIGHLIGHTS: Training funds, under the "Skilled Craft Development Program" approved by the Buncombe County Board of Commissioners for the City of Asheville, are now available in the amount of \$140,173.00.

Resolution Book No. 11 at page 308.

Upon motion of Councilman Michael, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

STATEMENT BY COUNCILMAN MICHAEL - RELATIVE TO METROPOLITAN GOVERNMENT

Councilman Michael read the following statement:

"It seems as though the basic problem between the City of Asheville and County of Buncombe will never be resolved until a Metropolitan government is formed. Therefore, I would make a formal request that the Mayor of the City of Asheville and the chairman of the County Commissioners of Buncombe designate a committee of impartial non-politically motivated citizens to at least investigate this possibility and probability and report back to both governing bodies."

"As you know I have made the statement many times in the past that I thought this was the best and most fair and equitable way for us to represent our citizens. Everyone must realize that the double taxation within the city limits is far in excess of any extra services that we are receiving. Also, within the city limits is become a prime location for non profit organizations, governmental agencies, philanthropic organizations housing projects, etc. that do not pay any taxes and reap the benefits of the extra city services. It is no longer advantageous or profitable for Taxpayers to live within Asheville City limits. Whether the County annexes the City or visa versa is a mute point, but we must become one government."

"I hope that before I leave this council that my fellow council persons and the county commissioners will be fair and honest enough to recognize the need for a metropolitan government and stop bickering about separate water services and supplies, recreational facilities, airport facilities, transportation services, library services, etc. police and fire protection all of which are shared by all and should be represented and paid for by all of us people who live in Buncombe County. This is something I hope will be my legacy as I leave this City Council."

LETTER FROM DAVID E. MATNEY III - HISTORIC MONTFORD, INC. - REQUEST FOR EXTENSION
OF MORATORIUM ON REZONINGS, BUILDING PERMITS AND DEMOLITIONS

The City Manager presented the following letter:

September 12, 1979

Mayor Roy Trantham
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mayor Trantham:

During the regular weekly meeting of the Asheville City Council, that ruled favorably upon the following request from Historic Montford, Inc.

- a. a 90 day moratorium on re-zoning in Montford.
- b. a 90 day moratorium on commercial building permits in Montford.
- c. a 90 day public notice of demolitions in Montford.

Part of the reasoning in that decision was to allow a "breathing period" until the Asheville-Buncombe Historic Resources Commission establishes architectural design guidelines for new construction and re-construction in the Historic district. It is my understanding that at this time this commission has not established such guidelines or is in no way prepared to attempt to oversee any plan.

We therefore request that the moratoriums be extended an additional 90 days in the hopes that the Asheville-Buncombe County Historic Resources Commission will be operative at that time. Thanking you in advance, I am.

Very truly yours,

David E. Matney, III,
Chairman, Board of Directors,
Historic Montford, Inc.

cc: Mr. Verl Emrick, Planning Director
cc: Ken Michalove, City Manager

Councilwoman Price moved to extend the present moratorium on rezonings, commercial building permits and demolitions in the Montford District for 60 days. This motion was seconded by Vice-Mayor Horton and carried unanimously.

The City Manager said this matter not only involves the Police Department but should also involve the courts and social service agencies.

The Corporation Counsel said if a particular business is proven to be soliciting prostitution the Solicitor can close down the business.

Vice-Mayor Horton said in preparing the budget, Council should reassess the manpower of the Police Department to attack crime of all types.

Councilman Cole said an officer on foot in the area could have a bearing on the impact of the solicitations.

Councilman Michael said some time ago he had requested a report on the possibility of having police cruisers patrol the housing projects at least twice on each shift.

Councilwoman Price said Council should not mandate where the policemen should be as they know better where they should be.

PARKING SIGNS - DOWNTOWN

Upon inquiry of Vice-Mayor Horton relative to the parking signs being down around the Federal Arcade Building, the City Manager said the Department of Public Works is working on the problem and he would have a report on this matter at next week's Council meeting.

REQUEST FOR SPECIAL COUNCIL MEETING - EXECUTION OF CONTRACTS FOR THE PAVING AND LIGHTING OF 1,500' RUNWAY AND TAXIWAY EXTENSION

The City Manager presented a letter received from Talbert, Cox and Associates which stated that bids were received on Friday, September 7, 1979 for the paving and lighting 1,500' runway and taxiway extension and strengthening existing Runway 16-34. The letter stated that the application has been sent to F.A.A. and the grant should be returned to the City by Monday of next week. He said this is a very tight schedule since the work involved is expected to begin on Friday, September 21, 1979. He said the earliest date the contracts and the F.A.A. grant could be presented before a regular meeting of the City Council is September 20, 1979 which would not leave sufficient time to have the contract documents executed before the work is scheduled to start. Therefore, Talbert, Cox and Associates has requested that Council call a special session for September 18, 1979 for the purpose of presenting the contracts and the F.A.A. grant for approval.

Councilman Morris moved to schedule a special session of Council for September 18, 1979 at 4:00 p. m. for the purpose of considering the execution of contracts relative to the paving and lighting 1,500' runway and taxiway extension and strengthening existing Runway 16-34. This motion was seconded by Vice-Mayor Horton and carried unanimously.

CLAIMS - MAUREEN B. ARNOLD - TRASLEY ROBERTSON - DELLA WEST BARKLEY - ARTHUR LEE
EDGERTON - CITY OF ASHEVILLE

The City Manager presented the following claims received from W. R. Swearngan, Facility Services Superintendent:

Following individual has a claim against the City of Asheville for damage:

Maureen B. Arnold	Damage to automobile
6 Holmwood Road	hit pot-hole in street
Asheville, N. C.	

Claims sent to St. Paul Fire and Marine Insurance: **

Trasley Robertson	Pedestrian struck by
1400-L Tunnel Road	city vehicle
Asheville, N. C.	

Della West Barkley	Backed into City vehicle
187 Brucemont Circle	
Asheville, N. C.	

Arthur Lee Edgerton	Damage to automobile
19 Jersey Street	hit by City vehicle while
Asheville, N. C.	parked

** City of Asheville	Caught fire at Woodfin
1974 Rex Trashmaster on loan	Landfill, approximate
to Buncombe County	damage \$10,000.00

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 79-210 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN
THE CITY OF ASHEVILLE AND ESTES-WINN-BLOMBERG FOUNDATION

Consideration was given to a resolution authorizing the Mayor to sign an agreement between the City of Asheville and Estes-Winn-Blomberg Foundation.

The City Manager read the resolution and said in this agreement the City is granting to the Association the use of (1) one Brass Pole and Accessories, (1) one Brass Bell and (1) one alarm punching register for public display in a museum to be constructed adjacent to an Antique Car Museum on the grounds of Biltmore Industries.

Councilman Morris was excused from voting on the resolution due to a conflict of interest. He said he sells his supplies to a gift shop next to where the Antique Car Museum will be constructed.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-210 was unanimously adopted.

Complete text of Resolution No. 79-210 will be found in Resolution Book No. 11 at page 313.

RESOLUTION NO. 79-207 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the Land-of-Sky Regional Council.

The City Manager read the resolution and said this agreement provides \$50,000 for the use in a future water site and is available to the City and County if they desire to use the funds.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-207 was unanimously adopted.

Complete text of Resolution No. 79-207 will be found in Resolution Book No. 11 at page 309.

RESOLUTION NO. 79-208 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDER NO 3 AND 4 WITH CHAMPION CONTRACTING COMPANY, INC. FOR THE PROJECT KNOWN AS SITE PREPARATION FOR 1,500' RUNWAY AND TAXIWAY EXTENSION

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 3 and 4 with Champion Contracting Company Inc. for the project known as site preparation for 1,500' runway and taxiway extension.

The City Manager read the resolution explaining that the change orders involves additional electrical 4' x 4' manholes in lieu of 2' x 2' handhole openings and a pressure reducer with a back flow valve for the 6" water line at the Airport.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-208 was unanimously adopted.

Complete text of Resolution No. 79-208 will be found in Resolution Book No. 11 at page 310.

RESOLUTION NO. 79-209 - RESOLUTION OF INTENT TO CLOSE A PORTION OF AN ALLEYWAY KNOWN AS OLD HOWLAND ROAD

Consideration was given to a resolution of intent to close a portion of an alleyway known as Old Howland Road.

The City Manager read the resolution scheduling the public hearing for October 11, 1979.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, Resolution No. 79-209 was unanimously adopted.

Complete text of Resolution No. 79-209 will be found in Resolution Book No. 11 at page 311.

My conclusions in the case are based on the following reasons:

1. The initial call at 14-A Oak Knoll Apartments concerning a case of child abuse was answered by Detective Allison at 4:00 PM on July 1, 1979.
2. After interviewing both the child, Michael, and his mother, Mrs. Buie, the name of Arnold Ingle came up. Detective Allison indicates Mr. Ingle's name was introduced by Mrs. Buie, not the child.
3. Learning Mr. Ingle lived close by, Detective Allison went with Mrs. Buie and Michael to Mr. Ingle's home. After being asked several times if Mr. Ingle was the one who beat him, Michael said he was not.
4. After returning to the Buie home, Mrs. Buie kept saying she felt Mr. Ingle was the one that beat her child. At this point Detective Allison, Michael, and Mrs. Buie returned to Mr. Ingle's home. Michael, after coaching from Mrs. Buie, then identified Mr. Ingle as the one who beat him.
5. Not convinced sufficient probable cause existed to justify making an arrest without a warrant, Detective Allison told Mrs. Buie if she obtained a warrant for Mr. Ingle that he would be arrested. It should be pointed out that Detective Allison acted appropriately in this matter, as court action would later point out.
6. On July 2, 1979, Mrs. Buie obtained a warrant for Mr. Ingle's arrest. As soon as the warrant was issued Detective Allison took Mr. Ingle into custody, only a few minutes after the warrant was obtained.
7. On August 28, 1979, when the case finally came to court the charges were dismissed by Judge Styles when the child, Michael, could not identify Mr. Ingle as the man that beat him. Had Detective Allison made the arrest without a warrant as Mrs. Buie had urged he could have faced civil charges for false arrest as the arrest of Mr. Ingle was found to be in error.

After reviewing all the information available concerning this incident, I am confident that Detective Allison's actions were appropriate and in fact exhibited very good judgment on his part.

ple

cc: F. W. Hamley, Assistant Chief, Operations
C. R. Barker, Captain, Detective Division
H. T. Allison, Juvenile Detective

Councilman Michael said he was not completely satisfied with the report because it did not state what was being done to find out who beat the child. He said he would like another report on the matter.

223

RESOLUTION NO. 79-211 - RESOLUTION ESTABLISHING AND ADOPTING A HUD-URBAN DEVELOPMENT ACTION GRANT PROGRAM BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Consideration was given to a resolution establishing and adopting a HUD-Urban Development Action Grant Program by the City Council of the City of Asheville.

The City Manager read the resolution and explained that this would be the final contractual agreement for the project.

Vice-Mayor Horton suggested that the resolution contain the number of the HUD project in the body of the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-211 was unanimously adopted.

Complete text of Resolution No. 79-211 will be found in Resolution Book No. 11 at page 314.

REPORT ON COMPLAINT - MRS. ORMA BUIE

The City Manager presented the following report relative to Mrs. Orma Buie's complaint:

MEMO TO: KEN MICHALOVE, CITY MANAGER
FROM: MELVIN L. TUCKER, CHIEF OF POLICE *MLT*
DATE: SEPTEMBER 11, 1979
SUBJECT: COMPLAINT OF MRS. ORMA BUIE

On August 16, 1979 I received from your office a request of a report regarding a complaint made by Mrs. Orma Buie at a City Council meeting. The complainant Mrs. Buie complained that Juvenile Detective Harry Allison did not investigate the child abuse case involving her son, Michael Buie, which reportedly occurred on July 1, 1979 at approximately 3:45 PM. In response to your memorandum I did the following:

1. Directed Internal Affairs Officer, Melvin Walsh, Jr. to visit Mrs. Orma Buie for the purpose of receiving a formal written complaint.
2. Directed Officer Walsh Jr. to obtain statements from Juvenile Detective Allison and all other persons involved who had knowledge about this case.

After receiving all statements and the events which have occurred since the original complaint was filed, I find Juvenile Detective Harry Allison was not involved in any misconduct, and, in fact, his actions in this case should be classified as exemplary.

Several members of the audience spoke relative to this case.

Councilman Rainey requested a report on the number of child abuse cases in the City with the age and race included.

The City Manager said he would obtain a report from the Police Department as to what is being done about this case, as well as obtain a report on the child abuse records. He said he would also contact the Community Relations Council to determine what involvement they have in the case.

RESOLUTION NO. 79-212 - RESOLUTION OF APPRECIATION AND SYMPATHY TO THE FAMILY OF WILLIAM C. REID

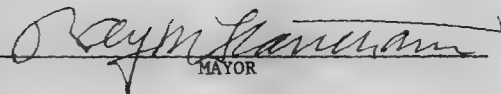
Consideration was given to a resolution of appreciation and sympathy to the family of William C. Reid, a city employee who passed away on September 11, 1979.

Councilman Michael read the resolution.

Upon motion of Councilman Michael, seconded by Councilman Morris, Resolution No. 79-212 was unanimously adopted.

Complete text of Resolution No. 79-212 will be found in Resolution Book No. 11 at page 315.

Adjournment.


MAYOR


CITY CLERK

Upon motion of Vice-Mayor Horton, seconded by Councilman Morris,
Resolution No. 79-214 was unanimously adopted.

Complete text of Resolution No. 79-214 will be found in Resolution
Book No. 11 at page 317.

Adjournment.

Ray M. Harrison
MAYOR

Miriam F. Holcomb
CITY CLERK

Tuesday - September 18, 1979 - 4:00 p. m.

Special Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilman F. Jack Cole and Councilman Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gene E. Rainey and Councilman Otis B. Michael

RESOLUTION NO. 79-213 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-05 BETWEEN THE UNITED STATES OF AMERICA ACTING THROUGH THE FAA AND THE CITY OF ASHEVILLE

1. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of a grant agreement for Project No. 6-37-0005-05 between the United States of America acting through the FAA and the City of Asheville.

The City Manager said at the September 13, 1979 Council called for a special meeting to consider the above resolution. He said notice of the special meeting was advertised as required by the Charter of the City of Asheville and notices were mailed to all news media who has requested notice of meetings of the Council.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-213 was unanimously adopted.

Complete text of Resolution No. 79-213 will be found in Resolution Book No. 11 at page 316.

RESOLUTION NO. 79-214 - RESOLUTION AWARDED CONTRACTS FOR THE PAVING AND LIGHTING 1,500' RUNWAY AND TAXIWAY EXTENSION AND STRENGTHENING EXISTING RUNWAY 16-34 AT THE ASHEVILLE AIRPORT

2. Consideration was given to a resolution awarding contracts for the Paving and Lighting 1,500' Runway and Taxiway Extension and strengthening existing runway 16-34 at the Asheville Airport.

The City Manager said at the September 13, 1979 Council called for a special meeting to consider the above resolution. He said notice of the special meeting was advertised as required by the Charter of the City of Asheville and notices were mailed to all news media who has requested notice of meetings of the Council.

The City Manager read the resolution which awards the contract for the base bid on the paving to Asheville Paving Company, Inc. and Warren Brothers Company in the amount of \$1,605,813.50 and Walker and Whitesides, Inc. be awarded the contract for the lighting of the runway and taxiway extension in the amount of \$67,565.40.

APPROVAL OF CONSENT AGENDA

4. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-215 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: There is a sizeable quantity of junk, scrap and other non-salvable material at the landfill which will be sold for scrap to the highest bidder.

Resolution Book No. 11 Page 318

- B. Scheduling of a public hearing relative to an amendment to Rule #3 of the Civil Service Rules and Regulations for September 27, 1979.

HIGHLIGHTS: This amendment is relative to part-time and seasonal employment in the Classified Service of the City.

- C. Resolution No. 79-216 - Resolution authorizing the Mayor to execute a lease agreement with the County of Buncombe for parking spaces on Marjorie Street.

HIGHLIGHTS: The City will be leasing parking spaces to the IV-D and Welfare Fraud agencies of Buncombe County for \$5.00 per vehicle per month to continue on a month to month basis.

Resolution Book No. 11 Page 319

- D. Approval of bids received September 14, 1979 for one (1) high intensity direct current carbon Arc Follow Spotlight for Asheville Civic Center.

HIGHLIGHTS: Two bids were received. Recommendation of acceptance of low bidder, Theatrical Equipment Rental, Inc. Knoxville, Tenn. in the amount of \$4,297.40. Funding: Revenue Sharing Trust Fund, Capital Outlay Equipment, Civic Center, Account 50-13-423.0074.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

Thursday - September 20, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Councilman Gene E. Rainey gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 13, 1979 and September 18, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the September 13, 1979 and September 18, 1979 meeting were approved as submitted.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT - SHILOH STREET AND DRAINAGE PROJECT

2. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budgets for the Third and Fourth Year Community Development Block Grant.

The City Manager presented the budget amendment in the amount of \$33,000 which is to reprogram available funds for the completion of Shiloh Street and Drainage Project.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Horton and carried unanimously.

DISCUSSION - RELATIVE TO THE SALE OF DISPOSAL PARCELS-EAST RIVERSIDE RENEWAL PROJECT

3. Councilman Michael suggested that proposed plans for the use of land in the East Riverside Renewal Project area be submitted to Council prior to the approval of the sale by Council.

After discussion, the City Manager said he would have Mr. Larry Holt, Deputy Director of the Asheville Housing Authority, explain the procedure of the sale of disposal parcels which is outlined in the redevelopment plan. He said he would anticipate that this report would be given at the next Council meeting.

CITY OF ASHEVILLE



P. O. BOX 7148
ASHEVILLE, NORTH CAROLINA
28807

William DeBruhl - Director
WATER AND SEWER SERVICES

September 20, 1979

MEMORANDUM TO: Ken Michalove
City Manager

FROM: Bill DeBruhl, Director
Water & Sewer Services

SUBJECT: Cisco Road water line and fire protection

I researched this project after getting your memo and copy of petition, and find that there are approximately 130 houses on a 2-inch system in this area. There are three alternatives that we can use in getting fire protection into this particular section:

1. We can come from Waters Road where it intersects with Old Haw Creek Road and up Cisco approximately 10,000 feet at a cost of some \$120,000.00
2. We can pick up the 6-inch line to the East of Cisco where it stops at Pressley Road, bring it from Pressley Road around Old Haw Creek, up Greenbrier into Cisco Road and go both ways. This would entail some 8600 feet of 6-inch water line at approximate cost of \$103,200.00.
3. To come off the 6-inch line on New Haw Creek Road, come up the lower Cisco Road, cross Old Haw Creek Road and go on up Cisco Road for a distance of 8100 feet at the cost of some \$97,200.00.

If we are entertaining the idea of putting this in our 79-80, 33 Fund, I would recommend that the line come from Waters Road around Old Haw Creek Road. This would let a lot of the property that cannot be served by a 2-inch line be developed. The other two alternatives would be strictly for fire protection without very much development.

Now pertaining to the sanitary sewer line at Cisco Road, I believe that the three houses that are using septic tanks are below the road and cannot get sewer into Cisco Road. Some 15 years ago I laid out a sewer line to go up the stream to the West of Cisco Road which would let all of this vacant property be developed; however, this line never came to be. At the present time, the head manhole going up this valley is at the edge of the Old Haw Creek Road. There is sewer to all the other houses on Cisco that are within the city limits except the three I mentioned before, which are on the down-hill side of Cisco Road. This is the only place we could get the right-of-way. I am attaching a map of this area showing the existing lines and also my recommendations.

If I can be of further assistance, please let me know.

REPORT REQUESTED - DOWNTOWN MOTEL - OBVIOUS PROSTITUTION

Upon inquiry of Vice-Mayor Horton, the City Manager said the Police Department is in the process of preparing a report relative to prostitution downtown. He said this report would be presented at next week's meeting.

DISCUSSION - SCHEDULING OF PUBLIC HEARING - ANNEXATION OF ASHEVILLE COUNTRY CLUB PROPERTY - REGENCY PARK PROPERTY

Councilman Rainey said several weeks ago Council unanimously passed a motion to schedule a public hearing on the annexation of property owned by the Asheville Country Club and the property known as Regency Park. He questioned why the resolutions scheduling the public hearings have not been presented to Council.

Mayor Trantham said several members of Council requested additional information as to how the City would profit from the annexation of these areas. He also said several members of Council have expressed an interest in including additional areas in the annexation.

Verl Emrick, Planning Director, said before preparing the resolutions scheduling the public hearings, a decision needs to be made by Council as to the exact areas they desire to consider annexing.

After discussion, Mr. Emrick said he would prepare, for Council's consideration on September 27, 1979, several resolutions as alternatives for Council to consider.

PUBLIC HEARING SCHEDULED - ADOPTION OF "SUPERPOLE ORDINANCE"- STRUCTURES ON RIGHTS-OF-WAYS

Councilman Rainey moved to schedule a public hearing relative to the adoption of an ordinance to set forth standards for placement of structures on rights-of-way, known as the "Superpole Ordinance", for October 18, 1979. This motion was seconded by Vice-Mayor Horton and carried unanimously.

SALE OF WESTGAGE PROPERTY - DISCUSSION

Councilman Rainey requested that Mr. George Coggins attend the pre-Council meeting on Thursday, September 27, 1979 at 2:00 p. m. to discuss the sale of the Westgale Property. He said this matter has been previously discussed during the City/County joint meetings. He said Council's findings on this matter could be referred to the County.

REPORT ON PETITION RECEIVED BY COUNCIL FROM CISCO ROAD RESIDENTS - WATER PROBLEMS

The City Manager presented the following report relative to a petition presented to Council on September 13, 1979 from residents of Cisco Road regarding water problems:

LETTER FROM MORRIS, GOLDING, BLUE AND PHILLIPS - RE: IMPROVEMENTS TO PACK LIBRARY

The City Manager presented the following letter received from Morris, Golding, Blue and Phillips relative to improvements to be made to Pack Library:

August 29, 1979

1000
1000

The Honorable Roy M. Trantham
Mayor of the City of Asheville
Asheville City Hall
Asheville, North Carolina

Re: Pack Memorial Library Building

Dear Mayor Trantham:

On the 2nd day of March, 1979, we wrote to you concerning our intentions with respect to the purchase of the Pack Memorial Library Building located at 8 South Pack Square in Asheville, North Carolina. The four partners of the firm of Morris, Golding, Blue and Phillips, presently located at 4 South Pack Square in Asheville, have now purchased the Pack Memorial Library Building and are presently interviewing architects to assist us in the restoration and renovation which we briefly reviewed in our March 2, 1979 letter.

The partners of our firm who presently own the library building are William C. Morris, Jr., James H. Golding, James F. Blue, III and Ann H. Phillips. As you know, the purchase price for this building amounted to \$122,250.00.

Our present plans for expansion are the same as they were in March. We expect that there will be approximately 16 individuals connected with our office which will utilize approximately two-thirds of the building. We are presently negotiating with prospective tenants and anticipate that an additional 10 individuals will be utilizing the third floor after renovation.

The purpose of this letter is to confirm our support of the City's Urban Development Action Grant Program with respect to the Pack Square area and our intentions to commit an additional \$250,000.00 over the next two years. The sources of these renovation costs will be the Wachovia Bank & Trust Company, our future tenant, and hopefully funds secured through the U.D.A.G. program.

Please accept this letter as an amendment of our letter of intent dated March 2, 1979.

Dr. Bob Clower of Cisco Road spoke in support of the petition presented to Council. He said all the residences on Cisco Road, as well as other residences in Haw Creek, are on a 2" water line. He said this created hardships for these residents. He said early consideration of a remedy to the situation would be greatly appreciated.

Dr. Hagan said he is in the process of constructing a residence in the area and is unable to obtain a permit to tap on the 2" line. He asked if he was the only one in the City of Asheville who is required to drill a well for his water source because of inadequate service and if he would be allowed to tap on the 2" line temporarily pending further improvements to the water system in the area.

The City Manager said a capital projects fund was set up for water improvements, however no specific funds have been allocated primarily pending the water agreement with the County. He said some decision on this matter could be made in the next two to three weeks.

Bill DeBruhl, Director of Water and Sewer Services, said this is not a unique situation, but merely one of many situations that exist in the County. He said under North Carolina Department of Health, EPA, and the Water Committee's rules and regulations there can only be 15 houses on a dead-end 2" line. He said, therefore, he could not issue a permit to tap on the 2" line.

Mr. DeBruhl said if the improvements are made according to the report, the water system in the Haw Creek area would improve as well as allow for future developments in the area.

After discussion, it was the consensus of Council that the problem be discussed during the City/County Water Committee meeting on Monday, September 24, 1979, at 2:00 p. m. in the County Commissioners' office.

Councilman Rainey requested that representatives of the Cisco Road area be present at the Water Committee meeting.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23, 1979

Mayor Trantham proclaimed the week of September 17 - 23, 1979 as "Constitution Week."

RESOLUTION NO. 79-217 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WNC PARKING LOT SERVICES, INCORPORATED

Consideration was given to a resolution authorizing the City Manager to enter into a contract with WNC Parking Lot Services, Incorporated for the purpose of cleaning the Civic Center Parking Garage.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-217 was unanimously adopted.

Complete text of Resolution No. 79-217 will be found in Resolution Book No. 11 at page 320.

PETITION - RELATIVE TO NORTH ASHEVILLE PARK PROPERTY

The City Manager presented a petition from citizens and residents of the City of Asheville which read as follows:

"We, the undersigned citizens and residents of Asheville, respectfully and urgently request one of two actions by you:

- 1) Amend the R-1 Zoning Ordinance to include specifically "public parks";
or
- 2) Rezone the 8-acre tract owned by the City and adjoining Ira B. Jones School and Kimberly Avenue and Beaverdam Road from R-1 to R-3.

The reason for this request is to expedite the construction of a much-needed park and the receipt of a Federal Grant in the amount of \$78,000.00, allotted but subject to expiration, for the construction of a park, inclusive of a baseball diamond, children's playground, tennis courts, and other facilities capable of promoting and enhancing recreation and sports in this, the only available such area in the northern portion of our City."

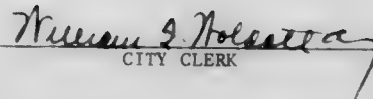
The City Manager said he would include the petition as a matter of discussion during the pre-Council meeting on September 27, 1979.

RESOLUTION REQUESTED - DRUG AWARENESS WEEK - OCTOBER 7-12, 1979

Vice-Mayor Horton requested that a resolution be prepared, for next week's agenda, declaring October 7-12, 1979 as "Drug Awareness Week."

Adjournment.


MAYOR

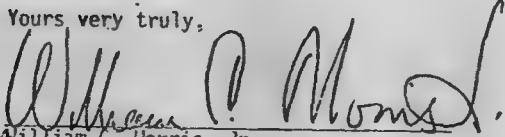

CITY CLERK

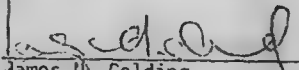
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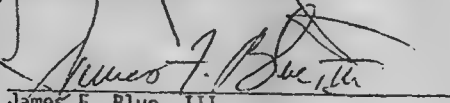
The Honorable Roy M. Trantham
Re: Pack Memorial Library Building
August 29, 1979

Page Two

Yours very truly,


William C. Morris, Jr.


James H. Golding


James F. Blue, III


Ann H. Phillips

JNG/jfz

The City Manager said, basically, Morris, Golding, Blue and Phillips are revising their estimated improvements to the Library from \$275,000 to \$250,000.

department, they said that the investigation was continuing. Rev. Wilkes then contacted the Assistant DA's Office and they assured him that the warrant had been issued and that the case would be going to court. The Community Relations Council pursued it until court time but had not taken any other action because Mrs. Buie did not come back to their office and they had learned from the newspapers that the case had been dismissed. He noted that this concluded their investigation at this point.

Sgt. Leahman Williams, Asheville Police Department, said that he had interviewed several persons in Oak Knoll Apartments that had signed the petition for Mrs. Buie and he found that there had been no beating or molesting of children, black or white, in the Oak Knoll Apartment complex. Mr. Arnold Ingle does go through the woods going to his daughter's apartment and since he is caretaker of a piece of property between his property and the apartment complex, he is responsible for that property. He said that the molesting and harassing of children was just hearsay from children between the ages of six and eleven. He checked with the parents in closeby apartments and they said that they have never seen anyone bothering the children and they had no knowledge of who beat the child. He also talked to maintenance men and the manager of the complex and they stated that no reports were made to them about anyone molesting children. The Manager also stated that security officers were employed at the Oak Knoll Apartments from the hours of 8:00 p.m. until 4:00 a.m.

Mr. Michalove read a letter from Arthur Jacobson, Assistant District Attorney, relative to the status of this incident in the courts. It stated that a motion to dismiss this case was obtained due to lack of evidence.

Mr. Fred Newman, United Way, reported the various agencies which deal with child abuse, and the alternatives for psychological care resulting from the trauma of such abuse.

Mrs. Shepherd suggested that an ombudsman be hired by the police department who would investigate all of the evidence to see that people are treated fairly and rightly reported.

Mrs. Buie thanked everyone for their support and was glad that the investigation was continuing.

Councilman Michael stated that he was not satisfied with the investigation and he requested another report within 30 days.

REPORT - PROSTITUTION

4. The City Manager introduced Mr. George R. Reepe, Selective Enforcement Squad from the Asheville Police Department, who presented the following report:

MEMO TO: MELVIN L. TUCKER, CHIEF OF POLICE

FROM: GEORGE R. REEPE, SELECTIVE ENFORCEMENT SQUAD *BRR*

DATE: SEPTEMBER 26, 1979

SUBJECT: REPORT TO CITY COUNCIL
RE: PROSTITUTION ON CITY STREETS AND CIVIC CENTER MOTEL

901

Thursday - September 27, 1979 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Otis B. Michael and Ralph D. Morris, Jr.; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 20, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the September 20, 1979, meeting were approved as submitted.

RESOLUTION NO. 79-218 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND CLARIFY THE EXISTING CORPORATE BOUNDARIES OF SAID AREA AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION

2. Consideration was given to a resolution stating the intent of the City of Asheville to consider annexation of the area herein and clarify the existing corporate boundaries of said area and fixing the date of public hearing on the question of annexation.

Mr. Verl Emrick, Director of Planning, read the resolution and explained that this only establishes the Council's intent to annex the property described in the resolution, property owned by the Asheville Country Club. The public hearing date has been set for November 8, 1979.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 79-218 was unanimously adopted.

Complete text of Resolution No. 79-217 will be found in Resolution Book No. 11 at page 321.

CITY MANAGER'S REPORT ON COMPLAINT - MRS. ORMA BUIE

3. The City Manager arranged for three reports to be given relative to Mrs. Orma Buie's complaint about problems relating to child beating matters both in obtaining agency assistance in a matter dealing with the court system and the follow up matter pertaining to the police department.

Reverend H. C. Wilkes, speaking for the Community Relations Council, explained that after Mrs. Buie came into the office on July 5 to request assistance, she reported her complaints and the Community Relations Council's investigation began the following day. The Community Relations Council called the Assistant District Attorney to inquire why the warrant was not accepted when presented. The Assistant District Attorney had told them that in cases as serious as this, the complaint had to be investigated prior to issuing the warrant. During this period of time, Mrs. Buie had circulated a petition stating that Mr. Arnold Ingle was seen playing pranks on the children and harassing them. Later, when George Gragg contacted the police

At the scheduled hearing the proprietor turned in his license and the lounge closed. This has greatly reduced the traffic at and around the motel, except for the females that hang around the corner of Hiwassee and North Lexington.

The same females that work Hiwassee and North Lexington are the ones that work Ashland Avenue at night.

In response to Councilwoman's question about the normal sentences, Mr. Reepe said that since it is a misdemeanor, they can get by with a fine at the discretion of the court, court costs and a suspended sentence.

Councilman Rainey asked if anything could be done to the motel/hotel owner where prostitution occurs. Mr. Reepe explained that they have got to prove that the manager has knowledge that the people going into the rooms are using it for that purpose.

Vice-Mayer Horton commended Mr. Reepe for the fine report and hoped that these activities can be even more reduced.

RESOLUTION NO. 79-219 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION

5. Consideration was given to a resolution stating the intent of the City of Asheville to consider annexation of the area described herein and fixing the date of public hearing on the question of annexation.

Mr. Verl Emrick read the resolution and explained that this property is in the vicinity of the Regent Park Development that is outside the City. The public hearing date has been set for November 15, 1979.

Upon motion of Councilman Michael, seconded by Vice-Mayer Horton, Resolution No. 79-219 was unanimously adopted.

Complete text of Resolution No. 79-219 will be found in Resolution Book No. 11 at page 324.

SALE OF DISPOSAL PARCELS 1, 199, 200, and 201 - EAST RIVERSIDE RENEWAL PROJECT

6. Consideration of approval of the sale of Disposal Parcel No. 1 in the East Riverside Renewal Project to Price-McNabb Advertising, Inc. in the amount of \$57,725 and Disposal Parcels Nos. 199, 200 and 201 to New Bethel Missionary Baptist Church in the amount of \$8,618.

Mr. Larry Holt, Deputy Executive Director of the Asheville Housing Authority, explained where the parcels were located and also the intended use of the parcels.

Councilman Morris moved to approve the sale of Disposal Parcel No. 1 in the East Riverside Renewal Project to Price-McNabb Advertising, Inc. in the amount of \$57,725 and Disposal Parcels Nos. 199, 200 and 201 to New Behtel Missionary Baptist Church in the amount of \$8,618. This motion was seconded by Vice-Mayer Horton and carried unanimously.

RESOLUTION NO. 79-220 - RESOLUTION ACCEPTING SANDON CIRCLE AS A CITY SYSTEM STREET

7. Consideration was given to a resolution accepting Sandon Circle as a City System Street.

000

In trying to answer the questions raised by City Council I would like to try by answering: 1. What has been done? 2. What is being done? 3. What can be done in the future?

Arrests and/or Statistics

In going back to 1975 the following statistics are available:

For the entire year of 1975 one (1) arrest was made for prostitution. In 1976 eleven persons were arrested. In 1977 fourteen persons were arrested. From January 1, 1978 until March 31, 1978, ten persons were arrested. For the entire year of 1978 a total of fifty-one persons were arrested. Broken down, this shows thirty-seven females, and fourteen males were arrested for soliciting for prostitution; with the months of September, October, and November being the months with the most arrests occurring. So far in 1979 a total of twenty-four persons have been arrested for prostitution or related offenses. The break down for this year is: two for indecent exposure (one male and one female), twenty-two for soliciting for prostitution (eighteen females and four males).

To my knowledge until Chief Tucker started the Selective Enforcement Squad there was never a concentrated effort to enforce the prostitution laws. Since January 1978 until present there have been seventy-five prostitution or related offense arrests made. From this number there have been several repeaters, and some with as many as four arrests.

Problems of Enforcement

1. Have been operating under a handicap of shortage of personnel.
2. Technicalities that have to be met in enforcement of the law (elements).
3. Knowledge of the prostitutes as to who we are and what vehicles we use.
4. Being a misdemeanor crime, the judicial system rarely incarcerate unless there have been numerous offenses. Fines as a general rule are small. In Asheville we have had larger than normal fines compared to other areas of the state.
5. Influx of out of town and out of state persons.
6. Drug Abuse - most all the persons working the streets in Asheville have drug habits.
7. To our knowledge only five out of seventy-five have had active sentences.

What We Are Doing to Combat the Problems

1. Using private vehicles.
2. Using Reserve Officers, private citizens, etc.
3. Using decoy females (in order to catch male solicitors).
4. Start all out campaign to catch males - in hopes that this will be a deterrent.
5. Awaiting new law of Idling and Loitering for Purpose of Prostitution (October 1979).
6. Working varied or staggered schedules in order to eliminate a pattern of enforcement.

In reference to the motel mentioned at last Council Meeting, the lounge at this motel was a bigger problem than the prostitutes. In checking with the Alcohol Law Enforcement Office, the proprietor of this lounge was cited for consumption after legal hours, illegal possession of alcoholic beverages (not licensed to have on premises), and failure to clear tables at proper time.

RESOLUTION NO. 79-221 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDER 5 AND 6 WITH CHAMPION CONTRACTING COMPANY, INC. FOR THE PROJECT KNOWN AS SITE PREPARATION FOR 1,500' RUNWAY AND TAXIWAY EXTENSION

9. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order Numbers 5 and 6 with Champion Contracting Company, Inc. for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.

The City Manager read the resolution.

Upon motion of Councilman Rainey, seconded by Councilwoman Price, Resolution No. 79-221 was unanimously adopted.

Complete text of Resolution No. 79-221 will be found in Resolution Book No. 11 at page 327.

BIDS - BULK SODIUM CHLORIDE (ROCK SALT) FOR SNOW AND ICE CONTROL FOR THE CITY OF ASHEVILLE STREET DEPARTMENT

10. Consideration was given to the one bid received September 21, 1979, for bulk sodium chloride (rock salt) for snow and ice control for the City of Asheville Street Department.

The City Manager said that only one bid was submitted. The Director of Public Works and the Purchasing Agent reviewed the bid submitted by International Salt Company @ \$33.31/ton, totaling \$39,972 for 1200 tons estimated quantity and recommended its acceptance.

Councilwoman Price abstained from voting due to her husband working for American Enka, part of Akzona is International Salt Company.

Councilman Morris moved to accept the bid of International Salt Company in the amount of \$39,972. This motion was seconded by Councilman Cole and carried unanimously.

COUNCILMAN RAINEY - STATUS OF THE CERTIFICATE OF OCCUPANCY COMMITTEE

Councilman Rainey asked for the status of the Certificate of Occupancy Committee. City Manager Michalove responded that they are waiting on one more member and they should be ready to meet in a few more days. He stated that Mr. J. E. Johnson, Chief Building Inspector, will be in touch with him regarding a Certificate of Occupancy visitation.

COUNCILMAN RAINEY - ASHEVILLE TRANSIT AUTHORITY BUS SERVICE CHANGES

Councilman Rainey was under the impression that the Asheville Transit Authority was to come back to the City Council with a list of recommended changes for a savings in their budget but they have implemented their changes without coming back. He requested that the Asheville Transit Authority give the City Council a summary of what economics had been affected to balance their budget. Also, Vice-Mayor Horton requested that the Transit Authority give a report relative to the petition of 140 names requesting service on Pearson Drive for the Richmond Hill area.

City Manager Michalove said that the Asheville Transit Authority will be at the pre-Council meeting on October 4, 1979, at 3:00 p.m. to answer the Council's questions.

Mr. Clark Brown, Director of Public Works, read the following report:

"Public Works Department staff personnel have researched the status of the final portion of Sandon Circle (approximately 100 feet) since April of this year.

City records failed to yield any information to the fact that this portion of Sandon Circle had ever been formally included in the City's street system.

However, over the years, it appears that the City did maintain this portion of Sandon Circle on a fairly routine and periodic basis.

There are four pieces of property, under different ownership, fronting on this portion of Sandon Circle (three developed and one undeveloped) which yield a property/property owner to street footage ratio of approximately one property-property owner to each twenty-five feet of street. This is a very favorable ratio for inclusion into the City system.

This portion of the street is at least sixteen feet wide and is eligible for inclusion for Powell Bill Funding, but is stone surfaced.

After evaluating this information, it is my recommendation that Council grant the request of the petitioners."

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-220 was unanimously adopted.

Complete text of Resolution No. 79-220 will be found in Resolution Book No. 11 at page 326.

PUBLIC HEARING - AMENDMENT TO RULE #3 OF THE CIVIL SERVICE RULES AND REGULATIONS

8. A public hearing was held relative to amending Rule #3 of the Civil Service Rules and Regulations.

Mayor Trantham opened the public hearing at 5:29 p.m.

Mr. Sam Graves, Director of Employee Services, explained that this amendment is dealing with appointments of part-time or seasonal employees in the Classified Service of the City. He said that the existing rules and regulations only permit the appointing authority to make temporary appointments not to exceed 60 days. After that 60-day period, the employee would have to be either certified or terminated. The following amendment is designed to meet an organizational need as well as to insure the rights and privileges that are provided to other employees:

"The appointing authority may make appointments to part-time or seasonal positions in the Classified Service. Such appointments shall not exceed 1,562 work hours in any given twelve (12) consecutive month period, from date of employment, and may be renewed upon recommendation of the City Manager and the approval of the Civil Service Board. Such appointments shall be based on standards deemed appropriate by the Civil Service Board."

The public hearing closed at 5:42 p.m.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the above amendment to Rule #3 of the Civil Service Rules and Regulations was unanimously adopted.

Max Coffey
5 Waters Road
Asheville, NC

Damage to property -
stopped up sewer line

Burgin Ducker
1½ Dordeau Place
Asheville, NC

Damage to property -
sewerage blockage and personal
injury

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

BUDGET AMENDMENT - REAPPROPRIATING FUNDS FOR COMPLETION OF THE PATTON MOUNTAIN RESERVOIR REHABILITATION

The City Manager presented a budget amendment to amend the City of Asheville Water and Sewer Improvements Fund Capital Project budget to transfer \$34,481 from the Tiny Farms and Indian Trail projects to the Patton Mountain Reservoir project in order to finish rehabilitating the reservoir.

<u>Project No.</u>	<u>Project Name</u>	<u>Prior Appropriation</u>	<u>Increase (Decrease)</u>	<u>New Appropriation</u>
31-50-857-0-340	Indian Trail	\$12,000	\$ 9,481	\$ 2,519
31-50-857-0-370	Tiny Farms	25,000	25,000	-0-
31-50-859-0-000	Patton Mtn Res.	27,417	34,481	61,898

Councilman Morris moved for the adoption of the budget amended as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

REPORT - CISCO ROAD

The City Manager reported that the residents of Cisco Road did attend the Water Committee meeting on September 24. City Manager Michalove reported that the funds that could be used for this type project were tied up to the water agreement and it would be about 6 weeks before any decision could be made about this particular project. He stated that the residents of Cisco Road would be notified of any decision. He said that he sent Dr. Bob Clower, spokesman for the group, a copy of Mr. DeBruhl's report on this project and they seemed to be satisfied with what has been done to this point.

STANDARDS FOR RIGHT-OF-WAY ORDINANCE

The City Manager passed out copies of the standards for rights-of-way ordinances. He said that they will begin working on this sometime next week.

ABSTRACT OF VOTES FOR ASHEVILLE CITY COUNCIL

The City Clerk reported that he had received the abstract of votes for the Asheville City Council's Primary Election held on September 25, 1979. The following persons had been nominated: Roy M. Trantham, Walter R. Boland, Ralph D. Morris, Jr., F. Jack Cole, H. C. Wilkes, Norma T. Price and Harold F. Brownlee.

RALPH BISHOP

Mr. Bishop spoke in opposition of Fred Henchey being Acting Chief of Police. *Ralph Bishop* MAYOR *Norman S. McLeister* CITY CLERK
Adjournment.

RESOLUTION NO. 79-222 - RESOLUTION DECLARING OCTOBER 7-13 "DRUG AWARENESS WEEK"

Consideration was given to a resolution declaring October 7-13, 1979, as "Drug Awareness Week."

Vice-Mayor Horton read the resolution and reported on drug abuse week in Asheville.

Upon motion of Vice-Mayor Horton, seconded by Councilman Rainey, Resolution No. 79-222 was unanimously adopted.

Complete text of Resolution No. 79-222 will be found in Resolution Book No. 11 at page 328.

PROCEDURE FOR THE SELECTION OF CHIEF OF POLICE

Mayor Trantham asked the City Manager to explain the procedure for the selection of Chief of Police.

City Manager Michalove noted that a press release was sent yesterday to the Asheville City Council Members, the Asheville Police Department Personnel, the Civil Service Board Members, the Employee Services Department and the News Media relative to the selection of a Chief for the Asheville Police Department. He said that this position is an extremely important position to the community and that is why he has made up an involved process for selection. He said that he will use an assessment committee made up of three professionals, that way they won't look at a person whether they are in or outside the department, but rather who is the best qualified for the job. The notice stated that he will accept applications from both within and outside the department, and in fact, he encouraged men from within the Police Department who meet the minimum qualifications to apply. He stated that if a person has been on the Police Department roster since December 1, 1977, and are under the old pension plan, they will not lose any pension benefits as a result of being promoted to the position of Chief. He said that he will be receiving applications until November 2, 1979, 5:00 p.m. and he expects to be able to announce a new Chief by January 1, 1980.

CLAIMS - MR. GREGG LASSETER, MR. WILSON, MRS. CHARLES FULLER, MR. MAX COFFEY AND MR. BURGIN DUCKER

The City Manager presented the following claims received from W. R. Swearngan, Facility Services Superintendent:

The following individuals have claims against the City of Asheville for damage:

Mr. Gregg Lasseter
Accounting Division

Vinyl stuck to back of shirt,
Council Chambers

Mr. Wilson
41 Oakley Road
Asheville, NC

Damage to property-stopped up
sewer line

Mrs. Charles Fuller
Asheville, NC

Damage to automobile - rear end
hitting pavement

RESOLUTION NO. 79-223 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE AMENDMENT NO. 4 TO THE CONTRACT FOR ENGINEERING SERVICES WITH TALBERT, COX AND ASSOCIATES, INC.

4. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Amendment No. 4 to the contract for engineering services with Talbert, Cox and Associates, Inc.

The City Manager read the resolution explaining that this amendment increases the cost of Talbert, Cox and Associates, Inc. services on Projects .04 and .05 in compliance with FAA requirements.

Upon motion of Councilman Michael, seconded by Councilman Rainey, Resolution No. 79-223 was unanimously adopted.

Complete text of Resolution No. 79-223 will be found in Resolution Book No. 11 at page 329.

RESOLUTION NO. 79-224 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution explaining that this additional right-of-way easement is on property located on the south side of U. S. 19-23 at the Westgate Shopping Center, for the purpose of updating an existing electric power line.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 79-224 was unanimously adopted.

Complete text of Resolution No. 79-224 will be found in Resolution Book No. 11 at page 330.

RESOLUTION NO. 79-225 - RESOLUTION AUTHORIZING APPLICATION FOR STATE WATER BOND FUNDS

6. Consideration was given to a resolution authorizing application for State Water Bond Funds.

The City Manager read the resolution. These funds will be used to construct improvements in the existing water system, project described as: Pine Street Water and Sewer Improvements -- Installation of 5,355 linear feet of 16, 12, and 8-inch diameter water line along Pine and Clemmons Street and installation of 5,660 linear feet of 10 and 8-inch diameter sewer line along Pine and Dirt Eagle Street.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-225 was unanimously adopted.

Complete text of Resolution No. 79-224 will be found in Resolution Book No. 11 at page 331.

Thursday - October 4, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr. Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 27, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the September 27, 1979 meeting were approved as submitted.

MARJORIE LOCKWOOD - ANNOUNCEMENT OF SEMINAR - AMORY LOVINS AS SPEAKER

2. Mayor Trantham introduced Mrs. Marjorie Lockwood who announced that a seminar would be held on Friday, October 19, 1979 at 8:00 p. m. in the Humanities Building of UNC-Asheville. She said the speaker would be Amory B. Lovins, one of the western world's most influential energy thinkers. She said his topic would be "An Energy Future We Can Live With." She invited members of Council to attend the seminar as well as other decision makers.

BUDGET AMENDMENT - APPROPRIATING FUNDS PROVIDED THROUGH LAND-OF-SKY REGIONAL COUNCIL

3. Consideration was given to a budget amendment to amend the Parks and Recreation Department budget for Fiscal Year 1979-80 to set up appropriate revenue and expenditure accounts to accommodate a commitment of funds (Title VII N. C. Division of Aging) provided through the Land-of-Sky Regional Council.

The City Manager presented the budget amendment explaining that these funds are to be used to make the necessary renovations to the Senior Opportunity Center and the Livingston Street Center to make these two meal site facilities accessible to the handicapped according to Section 504 regulations (Rehabilitation Act of 1973). The amount of the amendment is \$3,737.

Councilman Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

Bob Weber, Business Manager and Coach at Ben Lippen School, spoke in support of the replacement and widening of the Hazel Mill Road Bridge. He reviewed recent accidents occurring at the bridge site.

Betty Gash of Gorman Bridge Road also spoke in support of the petition. She said many more signatures could have been obtained but they wanted to get the project started at the earliest possible date.

After discussion, it was the consensus of Council to follow up with the State and Buncombe County Commissioners to request that the replacement of this bridge be placed as a high priority improvement.

DISCUSSION AND MOTION RELATIVE TO PARKS AND PLAYGROUNDS - AMENDMENT TO ZONING ORDINANCE

8. Pursuant to discussions during an executive session of Council at the pre-meeting Councilwoman Price moved that the Planning and Zoning Commission hold a special meeting to review possible wording amendments to include neighborhood playgrounds or neighborhood parks which are publicly owned and operated in all zones and further that said playground and park facilities shall be reviewed under the procedures prescribed for Group Developments/or Planned Unit Developments prior to the construction or reconstruction of the facilities. This motion was seconded by Vice-Mayor Horton and carried unanimously.

It was the consensus of Council that a report from the Planning and Zoning Commission be made to Council in the next two weeks.

PETITION - RESIDENTS OF MARLOWE DRIVE AND DONNA DRIVE - STREET CONDITIONS

9. The City Manager presented a petition received from residents of Marlowe Drive and Donna Drive which read as follows:

"To Whom It May Concern:

We, the undersigned request the repaving of Marlowe Drive and Donna Drive, in the City of Asheville, N. C.

It has become a hazard to our motor vehicles and to our children walking to school, due to the 'pot holes and the sinking spots' in the foundation. It has come to our attention that there has been no major work done outside of "patch ups" in the past twenty years."

The City Manager said the petition would be referred to the Director of Public Works for investigation and recommendation.

RESOLUTION NO. 79-126 AMENDED - IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE MONTFORD NEIGHBORHOOD

10. Councilman Morris moved to amend Resolution No. 79-126, a resolution of imposing a limited moratorium on development in the Montford Neighborhood, as follows: 1) Amend Section 2(b) to read as follows:

"(b) issuance of building permits for construction of new commercial structures."

PETITION - HAZEL MILL ROAD BRIDGE

7. The City Manager presented a petition received from individuals who use the Hazel Mill Road Bridge. The petition was signed by approximately 250 individuals and read as follows: " We, the undersigned, petition the City of Asheville to have constructed a 2-way bridge, located on Hazel Mill Road near Kinco Products. We ask this in view of the recent accidents that have occurred here, and for the safety of the many persons using this bridge."

The City Manager also presented the following report from T. Clark Brown, Director of Public Works, relative to the petition:

MEMORANDUM TO: Ken Michaelove
City Manager

FROM: T. Clark Brown
Director of Public Works

DATE: October 3, 1979

SUBJECT: Your Memorandum of September 28, 1979

RE: Petition for the upgrading or replacement of the Hazel Mill Road Bridge.

Ken, the cost of replacing this bridge, including improvements of the approaches and the right-of-way costs that would be incurred is estimated to be \$210,000. This would include the demolition and removal of the existing structure.

I submitted an estimate of \$150,000 in a request for replacement of this bridge in FY 1977-'78. This estimate did not include R/W costs and did not reflect the increased costs due to inflation since then.

In 1978, the Traffic Engineering Division installed flashing amber lights at each approach to the bridge. Each light was accompanied by a caution sign reading, "Narrow Bridge".

Portions of the bridge railing are replaced at least twice each year due to damage from vehicles and portions of the bridge deck are replaced at least every other year.

The existing structure is completely constructed of wooden members and as such could not be widened to accomodate two-way traffic without compromising the structural integrity of the bridge.

Other than closing the road, the only assurance of improving vehicular safety in this area would be improvements to the approaches and replacement of the existing structure with a structure to safely accomodate two-way traffic.

Other than City funds, including Revenue Sharing Funds, the only source of funding of which I am aware is the off System Bridge Rehabilitation and Replacement Program. This program is presently in the inventory stage where the City is making an inventory of all City system and private structures within the corporate limits. This is a program funded by the Federal Highway Administration and administered through the North Carolina Department of Transportation.

PUBLIC HEARING - DEMOLITION OF 230 MONTFORD AVENUE

ORDINANCE NO. 1129 - ON ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue.

Mayor Trantham opened the public hearing at 4:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Attorney Victor Buchanan, representing the City, reviewed the background leading up to the proposed ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue. He said the complaint was first filed in April, 1977 stating that the house was unfit for human habitation, unsafe and dangerous to life. He said the dwelling is a real, immediate and absolute danger to the citizens of the area, especially to children, and should be demolished. He said even assuming it has historic value, which is doubtful, the immediate danger outweighs that value. He said the owner has been given two years to make repairs to the house, and nothing has been done in that time toward improving the dwelling. He said due process of law has been followed in obtaining approval of an ordinance to demolish 230 Montford. He requested that Council approve the ordinance to demolish the dwelling.

Max O. Cogburn, attorney representing the owner of 230 Montford Avenue, Mrs. Edith Bryan, asked the Council to allow the owner more time to make repairs and asked that a list of required renovations to meet the minimum housing code standards be given to Mrs. Bryan. He said Council could also set out a timetable to meet the minimum standards. He said he did not feel time could damage the public interest. He said Council could also require a reporting of improvements to the property during this time period.

Councilman Rainey said he felt Council should proceed with the first and second readings of the ordinance and if any improvements are made during that time, showing good faith, Council could then extend the time limit to make the repairs to the house. He said it was unfortunate that the house had fallen into such disrepair.

J. E. Johnson, Building Inspector, said the required renovations had been given to Mrs. Bryan in April of 1977 but he would meet with Mr. Cogburn to discuss the required renovations to meet the minimum housing code standards.

Keith Randolph said he was a professional renovator of houses and a resident of the Montford Avenue area. He said in his opinion the house is not feasible to repair. He said if Mrs. Bryan was sincere in repairing the house she would have done something about the condition of the house before now. He said the dwelling is a health hazard and he was frightened for the safety of his children.

- 2) Amend Section 4 by adding the following paragraphs:
 "2. Commercial permits for interior rehabilitation for existing commercial structures."
 "3. Commercial permits for exterior rehabilitation for existing commercial structures provided the plans have been reviewed by the Asheville-Buncombe Historic Resources Commission."

This motion was seconded by Councilwoman Price and carried unanimously.

PROCLAMATION - NATIONAL FIRE PREVENTION WEEK - OCTOBER 7 - 13, 1979

Mayor Trantham proclaimed the week of October 7 - 13, 1979 as "National Fire Prevention Week."

PROCLAMATION - INTERNATIONAL ENERGY CONSERVATION MONTH - OCTOBER

Mayor Trantham proclaimed the month of October as International Energy Conservation Month.

MORATORIUM ON CONSTRUCTION OF "GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED"

Councilman Rainey moved that no building permits shall be issued for construction of a new structure or the rehabilitation of an existing structure which would be used for a "Group Home For the Developmentally Disabled" until Council has reviewed and adopted standards which will govern the placement and/or construction of such facilities. Further that the City Clerk be directed to advertise this motion as soon as possible. This motion was seconded by Councilwoman Price and carried unanimously.

REQUEST FOR REPORT - TRAINING ACTIVITIES AND SESSIONS OF CITY EMPLOYEES

Vice-Mayor Horton requested a formal report from the City Manager on the training activities and sessions of city employees in the past twelve months. He requested that this report be given within the next two weeks.

REQUEST FOR WORK SESSION - RETIREMENT BENEFITS OF RETIRED GENERAL EMPLOYEES

Vice-Mayor Horton requested that Council schedule a work session relative to the retirement benefits of retired general employees for a possible adjustment to the benefits prior to the general employees going under the State Retirement Plan in January, 1980.

The City Manager said he would schedule the work session for 2:00 p. m. on Thursday, October 11, 1979.

Thursday - October 11, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 4, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the October 4, 1979 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY IN BEVERLY HILLS AREA

ORDINANCE NO. 1130 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property in Beverly Hills from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a meeting held September 5, 1979 considered a petition from the residents of the Beverly Hills area that their property, including the Carmelite Monastery property, be rezoned from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District. He said the Planning and Zoning Commission recommended that the property be rezoned as petitioned.

He said the rezoning encompasses about 400 acres with the Carmelite Monastery property being about 34 acres. By the use of a map, Mr. Emrick reviewed the location of the area in question. He said he knew of no other opposition to the rezoning except for the Carmelite Monastery.

Harold Bennett, Attorney, said he was representing the Catholic Diocese of North Carolina, which has charge of the property of the Carmelite Sisters of St. Therese's Valley, Inc., the owners of the Carmelite Monastery property in Beverly Hills. He said the property consists of 33 acres. He said the Carmelite Sisters of St. Therese's Valley, Inc. is a corporation and they have granted an option to Multi-Vest, Inc., a developer of real estate, for the property in Beverly Hills.

Donna Hogan, Vice-President of the Historic Montford Association and a board member of the Preservation Society said the residents of the area have not seen good faith in making any changes to the house and they should have within two years. She said in her opinion, the house was not saveable in its present condition. She said the house was one of the worst in the Montford area. She said the Preservation Society met to discuss this matter and it was the consensus of the board to let Council decide what action to take regarding the dwelling.

Upon inquiry of Councilmembers, Mrs. Hogan said a reasonable offer would probably be entertained to purchase the house, but Mrs. Bryan has not been open to selling the house.

Councilman Morris said if the house is not demolished it should be made safe and inaccessible to others by closing in or fencing.

After discussion, Mayor Trantham closed the public hearing at 5:35 p. m.

The Corporation Counsel read the ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue.

Councilman Rainey moved for the adoption of Ordinance No. 1129. This motion was seconded by Councilman Cole.

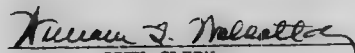
On a roll call vote of 7-0, Ordinance No. 1129 passed on first reading.

RALPH BISHOP - SPOKE RELATIVE TO ACTING POLICE CHIEF

Mr. Ralph Bishop again spoke against Fred Hensley being named as Acting Police Chief.

Adjournment.


MAYOR


CITY CLERK

June Tweed	- 43 Ambler Road
Helen Coman	- Pinehurst Court
Andy Gardner	-
Claude Jarrett	- 12 Fairway Drive
John Burton	- 211 Governors View Road
Jim Cutney	- Pinehurst Road
Sandra Cutney	- Pinehurst Road
Embler	- 23 Ambler Road
Terence Stone	- 53 Gladstone Road

Mayor Trantham closed the public hearing at 6:07 p. m.

Verl Emrick, Director of Planning, read the ordinance rezoning the property as petitioned.

Corporation Counsel William C. Moore told Council in his opinion the rezoning petition may not be in good standing as there may be some question of the property owners having the right to rezone someone else's property against their wishes.

Councilman Rainey moved for the adoption of Ordinance No. 1130. This motion was seconded by Councilman Cole.

Councilman Morris and Councilwoman Price said they hoped some alternative could be agreed upon rather than rezoning the entire area to R-1.

Councilman Morris said the property owners are asking for the rezoning to protect their property rights but in essence they are requesting Council to deny the Catholic Church the value of its property. He suggested that the property presently zoned Office Institutional be used for the apartment complex and use the R-2 portion for single family residences. He said he hoped some alternative could be agreed upon before the third reading of the ordinance.

On a roll call vote of 6-0, Ordinance No. 1130 passed on first reading.

ORDINANCE NO. 1129 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

3. Consideration was given to the second reading of Ordinance No. 1129, an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Max Cogburn, Jr., attorney representing the owner, Mrs. Edith Bryan, said it was his understanding that the ordinance would be passed on first and second reading but held up on the third reading if improvements progressed on the dwelling. He said during the past week, all the abandoned cars that was in the yard had been moved, the yard cleaned up and the trim painted on the front of the house. He said the owner intends to restore the house and to live in it. He said Mrs. Bryan had talked with Bruce Roberts, a contractor, who said in his opinion the dwelling could be restored.

701

He said Multi-Vest, Inc. proposes to build 216 apartment units, with one, two, and three bedrooms, on 17.75 acres on the Carmelite Monastery property. He said the project expects to cost approximately six million dollars, which will bring tax revenues of approximately \$120,000 annually to the City of Asheville and Buncombe County. He said the property is heavily wooded and the developer proposes to leave the buffer barrier of trees as they presently exist around the entire area and the project would not be visible by any resident of the Beverly Hills area. He said a site plan has been filed with the Planning Department for approval as a group development. He said the project will have two tennis courts, swimming pool and a wading pool. The main entrance to the complex would be a boulevard with a median leading from N. C. 81, Swannanoa River Road.

Mr. Bennett said the Planning Staff had recommended to the Commission that the Carmelite property be zoned R-2 which would allow the apartment complex.

Mr. Bennett urged Council to eliminate the Carmelite property from the rezoning stating that the legal question involved is whether one group can join together to rezone property owned by one who is not part of the group petitioning for the rezoning. He cited two legal cases involving the same situation.

Bill Biggers, attorney, said he was representing the Beverly Hills Homeowner's Association and he encouraged Council to approve the petition to rezone property in Beverly Hills as requested by the residents. He said Council should consider all uses allowed in the Office Institutional District and that as long as the property is zoned Office Institutional it will be open for restaurants, hotels, catering establishments, and a number of other things. He said to leave Beverly Hills open to all these uses would be unfair to the residents. He said the question before Council is that zoning appropriate for the Beverly Hills area? He cited additional traffic in the neighborhood and the decline of property values as concerns for an apartment complex in the area.

Mr. Biggers also cited a case of zoning "Blaze vs. City of Raleigh" dealing with "contract zoning" which he said was similar in nature to the case now before Council. He said the Office Institutional zoning is not appropriate for the Beverly Hills area. He said there are 475 single family residences involved in the rezoning petition. He said the Carmelite Monastery property only comprises 10% of the area requested to be rezoned. He urged Council to approve the rezoning as requested.

The following individuals spoke in support of the petition to zone the Beverly Hills area to a R-1 Single Family Residential District, citing such concerns as additional traffic in the neighborhood, overcrowding of schools and decline of property values as reasons for opposing the construction of an apartment complex in the neighborhood.

Councilman Michael was excused from the meeting at 5:10 p. m.

Don Roberts	- Beverly Hills
Clyde Collier	- 57 Ambler Road
Col. Robert Brown	- Beverly Hills
Dick Eskridge	- Beverly Hills
Ralph Morrow	- 27 Ambler Road
Mary Hansen	- 39 Ambler Road

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held on September 5, 1979 considered the petition of Mr. Herman Wyatt by Attorney William Biggers that certain lots on Sweeten Creek Road be rezoned from R-3 Residential District to R-5 Residential District. He said the Planning and Zoning Commission recommended that the property be rezoned as petitioned. He said the character of the area is suited for R-5 zoning. He said the primary reason for the request for the rezoning is in order that a mobile home can be placed on an individual lot. He said the area encompasses a large mobile home park. The area in question to be rezoned lies within the extraterritorial zoning jurisdiction.

Mr. Bill Biggers, attorney representing Mr. and Mrs. Herman Wyatt, spoke in support of the rezoning. He said the area is appropriate for the R-5 zoning since there are mobile homes on practically every lot in the area.

Mrs. Herman Wyatt, petitioner for the rezoning, spoke in support of the rezoning.

Mayor Trantham closed the public hearing at 7:00 p. m.

Verl Emrick, Director of Planning, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1131. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1131 passed on first reading.

PUBLIC HEARING - CLOSING OF A PORTION OF OLD HOWLAND ROAD

RESOLUTION NO. 79-226 - RESOLUTION TO CLOSE A PORTION OF AN ALLEYWAY KNOWN AS OLD HOWLAND ROAD

5. A public hearing was held relative to closing a portion of an alleyway known as Old Howland Road.

Mayor Trantham opened the public hearing at 7:03 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing. He also presented an affidavit of Ronald D. Brondyke stating that the alleyway was prominently posted in two places along that portion of Old Howland Road requested to be closed.

Mr. Ronald Brondyke, attorney representing the petitioners, the petitioners being all the property owners adjacent to the portion of the alleyway requested to be closed, said the reason the petitioners are requesting that the alleyway be closed is that the portion requested to be closed is a dead-end driveway that serves the residence of one of the petitioners. He said a second petitioner has a house, that was constructed fifty years ago, on the easement of the alleyway. He said in order to market the property, titled must be obtained for the portion of the alleyway that the house is situated upon. He said, in essence, the portion requested to be closed is a "paper street" only.

J. E. Johnson, Chief Building Inspector, said Mrs. Bryan had requested a list of improvements needed to bring the dwelling up to the minimum housing code standards. Mr. Johnson then read the following statement:

October 11, 1979

STATEMENT FOR THE RECORD

This is to state that I personally inspected the premises at 230 Montford Avenue at 11:30 a. m. this date. The following observations were made:

1. Junk cars have been removed from the premises.
2. Spoke with a painting contractor (Mr. Jack Ramsey) on the premises. He stated that Mrs. Bryan had contracted with him to spray paint the white trim on the front of the house, only. He also is to replace four 10-inch panes of glass at front of house that open into the attic.
3. Corrections made improve only the general appearance. There are no visible improvements in progress to improve the safety or sanitation of the structure.
4. There has been no recent permits obtained for this property. The only current permit is a repair permit obtained by Mrs. Bryan on 5/8/79, authorizing roofing and general repair work in the amount of \$600. This is a totally unrealistic permit.

/s/ L. F. Moore
L. F. Moore
Housing Inspections Supervisor

Mary Jo Brezny, representative of the Preservation Society of Asheville, said they did not want to see the dwelling demolished, however, neither do they want the dwelling to remain in its present condition. She said the Preservation Society is in the process of inquiring about purchasing the dwelling from Mrs. Bryan.

Mrs. Edith Bryan, owner of the dwelling in question, said she hopes to restore the house and she is not interested in selling the house.

On a roll call vote of 6-0, Ordinance No. 1129 passed on second reading.

Councilman Rainey was excused from the meeting at 6:50 p. m.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD

ORDINANCE NO. 1131 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to rezoning property on Sweeten Creek Road from R-3 Residential District to R-5 Residential District.

Mayor Trantham opened the public hearing at 6:50 p. m.

- C. Scheduling of a public hearing relative to the approval of a group development plan for the South Forest Shopping Center for November 15, 1979.

HIGHLIGHTS: The Planning and Zoning Commission has recommended approval of a group development plan for the expansion of the South Forest Shopping Center.

- D. Scheduling of a public hearing relative to the approval of a group development plan for Dawnwood Condominiums to be located on Caribou Road for November 15, 1979.

HIGHLIGHTS: The Planning and Zoning Commission has recommended approval of the group development plan for Dawnwood Condominiums to be located on Caribou Road.

- E. Scheduling of a public hearing relative to amending the Zoning Ordinance dealing with the initiation of amendments for November 8, 1979.

HIGHLIGHTS: Planning and Zoning Commission considered a proposed wording amendment to Article 11. Amendments to the Asheville Zoning Ordinance. The wording was recommended by City Attorney William Moore in order to spell out the procedures more clearly and assist in the administration of the ordinance. The Commission voted unanimously to recommend that Section 30-11-1, Initiation of Amendments be amended.

- F. Scheduling of a public hearing relative to amending the group development section of the Zoning Ordinance for November 8, 1979.

HIGHLIGHTS: The Planning and Zoning Commission considered a proposed wording amendment to the Group Development Section of the Zoning Ordinance. The amendment would address proposed structural changes and redesign of existing structures in addition to new construction. The Commission voted unanimously to recommend to City Council that the title of Article 6, Group Developments, and the first paragraph be amended.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the consent agenda was unanimously approved.

BUDGET AMENDMENT - APPROPRIATION OF CETA FUNDS

8. The City Manager presented a budget amendment amending the City of Asheville Federal Programs Fund Budget for Fiscal Year 1979-80 to reflect receipt of CETA funds from the County of Buncombe. He said the City Council of the City of Asheville on September 13, 1979 did by Resolution No. 79-206 authorize the Mayor of the City of Asheville to enter into a contract with the Buncombe County Board of Commissioners for participation in the CETA program for the period of October 1, 1979 to September 30, 1980. He said the amount appropriated is \$140,173.

Mayor Trantham closed the public hearing at 7:07 p. m.

Verl Emrick, Planning Director, read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-226 was unanimously adopted.

Complete text of Resolution No. 79-226 will be found in Resolution Book No. 11 at page 334.

BIDS - OFFSET PRINTING PRESS FOR CITY OF ASHEVILLE PRINT SHOP

6. Consideration was given to bids received October 5, 1979 for one offset printing press for the City of Asheville Print Shop.

The City Manager presented the bids stating that only one bid was received. He said it had been recommended that the bid submitted by AM International Inc. in the amount of \$5,559.16 be accepted.

Councilman Cole moved to accept the bid of AM International, Inc. in the amount of \$5,559.16. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to rezoning property in the Beaverdam Valley from R-2 Low Density Residential District to R-1 Single Family Residential District for November 8, 1979.

HIGHLIGHTS: The Planning and Zoning Commission considered petitions that the entire Beaverdam Valley be rezoned from R-2 Low Density Residential District to R-1 Single Family Residential District. The Commission, after reviewing the issues, voted to recommend to City Council that the petitions be approved, but limit the change to the jurisdiction of the City of Asheville in the Beaverdam Valley.

- B. Scheduling of a public hearing relative to rezoning property on Hendersonville Road, property of the South Forest Shopping Center, from R-2 Residential District to CH Commercial Highway District for November 15, 1979.

HIGHLIGHTS: The Planning and Zoning Commission recommended that the remaining portions of the South Forest Shopping Center be rezoned from R-2 Residential District to CH Commercial Highway District to accommodate adequate parking for expanded complex.

The City Manager read the resolution and said this right-of-way encroachment agreement with the North Carolina Department of Transportation and Highway Safety is for the water line that is to be constructed between Choctaw and College Street. He said because this line will encroach on the State right-of-way, this agreement is necessary.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-228 was unanimously adopted.

Complete text of Resolution No. 79-228 will be found in Resolution Book No. 11 at page 337.

PROCLAMATION - OCTOBER 15, 1979 - WHITE CANE DAY

Mayor Trantham proclaimed October 15, 1979 as "White Cane Day" in the City of Asheville.

CLAIMS - ANIMAL WORLD - GEORGE R. HARMON

The City Manager presented the following claims received from Mr. W. R. Swearngan, Facility Services Superintendent:

Following individual has a claim against the City of Asheville for damage:

Animal World
18 Angle Street
Asheville, N. C.

Sewer back-up, plumber
service and property damage
\$1,445.84

Claim sent to St. Paul Fire and Marine Insurance:

George R. Harmon
34 Ridge Avenue
Asheville, N. C.

Damage to automobile, hit
by City vehicle

TRAINING SESSIONS FOR GENERAL EMPLOYEES RELATIVE TO STATE RETIREMENT PLAN

The City Manager announced that training sessions for general employees relative to the State Retirement Plan would begin on October 15 and run through October 16, 1979.

Council requested that they be informed of the times the sessions are scheduled if they desire to attend the sessions.

RALPH BISHOP - REDRESS TO COUNCIL

Ralph Bishop again spoke to Council relative to his seeking redress from the Council.

Adjournment.

Ralph M. Trantham
MAYOR

Miriam S. Holcomb
CITY CLERK

Upon motion of Councilwoman Price, seconded by Councilman Cole, the budget amendment was approved as presented by the City Manager.

BUDGET AMENDMENT - REVITALIZATION PROJECT FUND - WATER AND SEWER IMPROVEMENTS- AKZONA

9. The City Manager presented a budget amendment amending the Asheville/Buncombe Revitalization Capital Project Fund budget to provide funding for the needed water/sewer improvements in the Pack Square area in conjunction with the Akzona Project.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the budget amendment was unanimously approved as presented by the City Manager.

LETTER FROM THOMS CABLEVISION - REQUEST FOR RATE INCREASE

10. The City Manager presented a letter received from Mr. John M. Jerose, Vice-President of Thoms Broadcasting Companies, Inc. requesting that Council place on its agenda for consideration an application for an increase in rates for Thoms Cablevision.

Vice-Mayor Horton moved to schedule a public hearing on the matter for December 13, 1979. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 79-227 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WATER LINE OFF STATE ROAD #2719

11. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the water line off State Road #2719.

The City Manager read the resolution and explained that this right-of-way encroachment agreement with the North Carolina Department of Transportation and Highway Safety is for an existing water line on State Road #2719. He said because this line does encroach on the State right-of-way, this agreement is necessary.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-227 was unanimously adopted.

Complete text of Resolution No. 79-227 will be found in Resolution Book No. 11 at page 336.

RESOLUTION NO. 79-228 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF $\pm$ 5000 LINEAL FEET OF 12 INCH DUCTILE IRON WATER LINE AND APPURTENANCES LOCATED BETWEEN CHOCTAW AND COLLEGE STREET

12. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the construction of $\pm$ 5000 lineal feet of 12 inch ductile iron water line and appurtenances located between Choctaw and College Street.

ORDINANCE NO. 1130 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Beverly Hills Rezoning)

3. Consideration was given to the second reading of Ordinance No. 1130, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the Beverly Hills area from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, in summarizing the proposed rezoning read the following memorandums:

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Planning Director
Bill Moore, City Attorney

SUBJECT: Summarization of and opinions relative to Beverly Hills Rezoning

DATE: October 15, 1979

After the rather lengthy discussion in Council's meeting last Thursday perhaps a brief summarization of positions, legal arguments and alternatives available would be in order.

1. Positions of involved parties: It seems that there is a dramatic polarization of views exist as to what is best for the entire area, for now and in the future. On one hand the petitioners are saying there are no compromise positions in their view. They have stated that the entire 400 acres should be zoned R-1 or the intent of the petition is viscerated.

The protesters also seem to be uncompromising in their views also to the point of softly intimating litigation. However, they have not stated flatly that an alternative would not receive serious consideration.

This then leaves Council in the position of attempting to render some type of decision which would protect the property rights of both camps.

2. Alternatives Available: At this point there seems to be only a few ways to approach the problem. These are:

(a) Accept P & Z recommendations as presented and zone the entire tract R-1;

Thursday - October 18, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

INVOCATION

Mayor Trantham introduced Rev. Les Scofield, minister of White Rock Baptist Church in Candler, North Carolina, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 11, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the October 11, 1979 meeting were approved as submitted.

ORDINANCE NO. 1131 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Sweeten Creek Road Rezoning)

2. Consideration was given to the second reading of Ordinance No. 1131, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Sweeten Creek Road from R-3 Residential District to R-5 Residential District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Upon inquiry of Councilman Rainey, Verl Emrick, Planning Director, said there had been no opposition expressed relative to the rezoning.

On a roll call vote of 6-0, Ordinance No. 1131 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1131 passed on third and final reading.

Complete text of Ordinance No. 1131 will be found in Ordinance Book No. 9 at page 55.



CITY OF ASHEVILLE

PLANNING & ZONING COMMISSION

704/255-5434

MEMORANDUM

TO: Ken Michalove, City Manager

From: Verl R. Emrick, Planning Director
Bill Moore, City Attorney

SUBJECT: Beverly Hills - Amendments to Memo Dated Oct. 15, 1979

DATE: October 17, 1979

Since Bill and I submitted the memo indicated above there has been a new development which directly impacts Council's alternatives previously stipulated. The new conditions revolve around a recorded agreement between the City of Asheville and Carmelite Nuns.

On August 6, 1963 the City and the Nuns executed an agreement which states.

"That for and in consideration of the property of the Carmelite Nuns of the Diocese of Raleigh, Inc., being rezoned from RA6 Residential District to Institutional District, the party of the first part (the sisters) covenants and agrees if at any time hereafter it shall decide to convey to anyone any of the property hereinafter described, pursuant to any sale it will make application to the party of the second part (the City) to rezone the part sold from Institutional District to RA6 Residential District, and take all action required to accomplish such rezoning, prior to the delivery of any deed conveying the same"

This agreement was executed and recorded in deed book 886 at page 527, and following the recordation Council passed ordinance No. 483 and zoned the property Institutional.

P.O. Box 7148 • Asheville, North Carolina 28807

(b) Zone all property in Beverly Hills R-1 except the Carmelite Property.

(c) Zone the entire Carmelite Property R-2 as proposed at P & Z; or

(d) Split the zoning on the Carmelite so that the current OI would become R-2 and zone the upper portion, currently zoned R-2 to R-1.

3. Legal Arguments. First the statements that Mr. Biggers made concerning *Blades vs Raleigh* (280 NC 531, 187 S.E. 2d. 35, 45 (1972)) while accurate would seem to be more applicable to the process of rezoning a specific parcel, not changing the zoning of a tract of land which surrounds a specific parcel(s). This is to say that in this instance the developer would purchase the land to utilize it in the way prescribed by the existing zoning classification. If the developer were seeking to change the classification to one which would relieve a more restrictive situation then the *Blades* case would apply 100%.

Mr. Bennett's contention is that the statements in the zoning ordinance which specify who may initiate or originate a rezoning request preclude the inclusion of the Carmelite property because the owners have not joined in the petition, but in fact formally protested the inclusion of the property in the rezoning proposition. Given this position and looking at the verbage in the zoning ordinance it appears that the argument does have merit.

Therefore it would be necessary for Council to make some "finding of fact" that the neighborhood area has undergone a substantive enough change to merit reconsideration of the development plan of the area if the entire area is to be included in the rezoning process. However, at this point it may be difficult to make such a finding because there has been no substantive change to this date only proposed or anticipated change.

Finally the issues raised by this case and that of Chunn's Cove carry serious implications on how the city approaches the use of zoning regulations in governing both the stability of the city as well as providing for orderly growth of the area. And given this a realistic assessment of how these policies and ordinances will be utilized in the future should be made as soon as possible.

Vul

Planning Director

William C. Moore

VRE/bw

Mr. Bennett said the Sisters have obligated themselves to an option to sell the property which option was made while the highest adjoining residential property is zoned R-2 Residential, thereby, obligating Council to zone the Monastery property to R-2 Residential District.

Mr. Keith Snyder, attorney representing the Beverly Hills Homeowners Association, Inc. said after researching the agreement in question, he would have to disagree with Mr. Emrick, Mr. Moore and Mr. Bennett. He said the agreement was only executed by the Carmelite Sisters and not the City of Asheville. He said a Council could not bind their successors into a situation which might not be feasible in future years. He said Council could not make a contract today to rezone property in the future.

Mr. Snyder also spoke in opposition to an apartment complex being constructed on the Monastery property citing such concerns as the overcrowding of schools, decline of property values, and inadequate water system.

Mr. Don Roberts of Beverly Hills, spoke in support of the rezoning.

Several members of Council said a substantial effort should be made by both parties for a compromise on the rezoning, leaving both parties an accomplishment. They said the owners of the Carmelite property should not have to give up the entirety of their property to be zoned R-1 Residential District.

On a roll call vote of 6-0, Ordinance No. 1130 passed on second reading.

PUBLIC HEARING - AMENDING ZONING ORDINANCE RELATIVE TO FAMILY CARE HOMES AND GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS AS CONDITIONAL USES

4. A public hearing was held relative to amending the Zoning Ordinance to include "Family Care Homes" and "Group Homes for Developmentally Disabled Adults" as Conditional Uses in all residential zoning districts and in the Office Institutional District.

Mayor Trantham opened the public hearing at 5:15 p. m.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held on September 5, 1979 considered the request of Mrs. Mildred Graham by Attorney John Powell that "Family Care Homes" be allowed in any and all residential zoning districts of the City of Asheville. He said the Planning and Zoning Commission recommended that they be allowed as Conditional Uses.

Mr. Emrick said the Planning and Zoning Commission recommended that a "Family Care Home" be defined as a small residence which provides sheltered care for two to five adults who, because of age or disability, require some personal services along with room and board to assure their safety and comfort. He said the following development standards were recommended in order to assist the Board of Adjustment in evaluating the impact of any request for a zoning or building permit within the jurisdiction of the ordinance:

1. Facility shall have the appropriate state operating license.
2. The minimum site size shall be no less than the non-residential lot sizes of the zoning district in which the facility is located.

Page 2
Memo-Ken Michalove
October 17, 1979

Given this bilateral agreement it is the staff's opinion that Council is now obligated to rezone that portion of the property currently zoned O1 to the corresponding zone now used in the Ordinance. This zone would be R-3. However, we do think that a compromise can be reached by zoning the property R-2 rather than R-3 without violating the intent of the 1963 agreement.

Copies of the agreement and corresponding council minutes are attached. If you have any questions please advise.

William C. Moore
Bill Moore,

Verl Emrick
Verl Emrick

BM/VRE/bw

Attachment

He said, however, Ordinance No. 483 does contain a clause that the property shall be rezoned to the highest adjoining residential zone existing at the time the property is disposed of. He said with these alternatives it would be his opinion that the property would have to be rezoned to a R-2 or R-3 Residential District.

Upon inquiry of Councilman Rainey as to whether the property would have to be rezoned R-2 or R-3 if Council grants the request of the residents to zone the property R-1, Mr. Emrick said this would be a legal question to determine if there was a contract to sell the property while the adjoining property was zoned R-2 Residential.

Attorney Harold Bennett, representing the owners of the Carmelite Monastery property, said in his opinion Council would be obligated to carry out the requirements of the recorded instrument. He said if Council would zone the upper portion of the Monastery property R-2 Residential, then his clients will agree to request that Council zone the lower portion to R-2 which will only allow 10 units per acre rather than the present zoning O1 which allows 16 units per acre. He said no one could develop single family dwellings on 14 acres of land.

4. Adequate buffering - Minimum requirement shall be as follows:

Two (2) rows of evergreen shrubs planted on the side(s) of adjoining lots. These rows shall be no more than three (3) feet apart and the shrubs shall be planted in a staggered pattern no more than six (6) feet apart. These shrubs shall be of size and species that will grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to a height no less than twelve (12) feet.

5. No external signage shall be allowed.

Council then discussed the present status of a group home for developmentally disabled adults proposed for the Kenilworth area on Chiles Avenue.

The City Manager said he had been advised that action taken by the Council relative to the amendment would not affect the Kenilworth Group Home because an application was previously made for a building permit and the City would be obligated to issue the permit.

Mr. J. E. Johnson, Chief Building Inspector, said a permit for the group home in Kenilworth was applied for prior to Council imposing a moratorium on the issuance of building permits for group homes for developmentally disabled adults on October 4, 1979. He said the plans for the group home meet all State standards and he would have no choice but to issue the permit.

Corporation Counsel William C. Moore said the permit for the home in Kenilworth would not be under the jurisdiction of the moratorium as it was applied for prior to Council imposing the moratorium.

Councilman Rainey questioned whether the Kenilworth Home would be subject to the regulations in the amendments since the permit has not been issued, but only applied for.

Attorney Bob Orr, representing a group of Kenilworth residents opposing the Home, challenged the statement that the application was the point of departure in determining the grandfather clause situation, and said that if an investigation determines that it is not, the Home would be subject to the regulations included in the new amendment to the ordinance. He said, in his opinion, the Group Home in Kenilworth would be affected by the present moratorium.

Mr. Orr said such group homes should be located in neighborhoods where the residents do not have to be extraordinarily careful in dealing with their own families, referring to the usual activities of children in a neighborhood. He said a functional buffer needs to be provided for such homes. He said the Zoning Ordinance is the proper tool in which limitations, by government, can be set for standards on such facilities.

Mr. Orr requested that Council and the City Manager instruct the Chief Building Inspector not to issue the permit for the Kenilworth Home until the proposed ordinance is considered and on the grounds that it does not comply with the Zoning Ordinance.

3. Adequate off-street parking - Minimum required shall be no less than five (5) spaces with adequate turnaround space also being provided.
4. Adequate buffering - Minimum requirement shall be as follows:
Two (2) rows of evergreen shrubs planted on the side(s) of adjoining lots. These rows shall be no more than three (3) feet apart and the shrubs shall be planted in a staggered pattern no more than six (6) feet apart. These shrubs shall be of a size and species that will grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to a height no less than twelve (12) feet.
5. No external signage shall be allowed.

Mr. Emrick said by making the uses as Conditional the Board of Adjustment would have to approve the facilities which would provide a measure of control. He said Council cannot totally exclude a particular operation from its jurisdiction but they can impose standards on a particular operation.

Attorney John Powell, representing the owners and operators of several family care homes, spoke in support of the amendment. He said his clients agree to the standards except the condition that the minimum site size shall be no less than the non-residential lot sizes of the zoning district in which the facility is located. He suggested that the lot size be left to the discretion of the Zoning Administrator and asked that 20,000 square feet be the maximum requirement for such homes.

Vice-Mayor Horton suggested that the word "small" be deleted from the definition of a family care home and requested that the Planning Staff review the requirement of the minimum lot size before the second reading of the ordinance.

Mr. Emrick said the Planning and Zoning Commission recommended that a "Group Home for Developmentally Disabled Adults" be defined as a small residence which provides care for two to nine adults who are developmentally disabled and who have or can develop self-help skills, are ambulatory, in need of a home and are able to participate in activities in the community. He said the following development standards were recommended in order to assist the Board of Adjustment in evaluating the impact of any request for a zoning or building permit within the jurisdiction of the ordinance:

1. Facility shall have the appropriate state operating license.
2. The minimum lot size for the site shall be no less than two (2) acres. However, if in the opinion of the Board of Adjustment larger lot sizes are necessary in order to maintain the character of the neighborhood, the Board may increase the required lot size.
3. Adequate off-street parking: Minimum required shall be no less than nine (9) spaces with adequate turnaround space also being provided.

Mayor Trantham opened the public hearing at 6:59 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, in reviewing the background of the proposed ordinance said the ordinance was initiated by Council when the Carolina Power and Light Company began the construction of "superpoles" on Lakeshore Drive. He said in researching, it was determined through the North Carolina League of Municipalities and the Attorney General's Office that the City can control the rights-of-way, however, the utility companies can also place structures on the rights-of-way. He said it was suggested that Council adopt standards for the placement of structures in the rights-of-way.

Mr. Emrick said the proposed ordinance has been circulated to members of Council and the public utility companies.

William McCaskill, District Manager for the Engineering Division for Southern Bell Telephone and Telegraph Company, said he had reviewed the proposed ordinance and felt, as presented, the standards would cause a considerable amount of problems with service to their customers. He said he would like to meet with the City staff and present several recommendations for revision.

Councilman Rainey requested that the recommended revisions be presented in writing.

Mr. McCaskill said to his knowledge there is not an ordinance governing such structures in any other area serviced by Southern Bell.

Mr. Jack Bass and Mr. Walter Harlow of the Carolina Power and Light Company said they would also like an opportunity to present written recommended revisions to the ordinance.

It was the consensus of Council that Mr. Emrick meet with all parties concerned relative to the proposed ordinance.

Councilman Rainey moved to continue the public hearing until November 8, 1979. This motion was seconded by Councilman Cole and carried unanimously.

SALE OF DISPOSAL PARCELS 40, 69, 71, 89, and 190 - EAST RIVERSIDE URBAN RENEWAL PROJECT

6. Consideration was given to the approval of the sale of Disposal Parcels in the East Riverside Urban Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Urban Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
40	Residential	\$ 2,900	\$ 3,051	L S & M Building Company, Inc.
69	Residential	2,200	2,251	L S & M Building Company, Inc.
71	Residential	2,100	2,251	L S & M Building Company, Inc.
89	Residential	1,600	2,500	Mattie W. Cameron
190	Commercial	37,300	37,700	James Green, et al

Councilman Michael was excused from the meeting at 6:22 p. m.

Mrs. Katherine Johnson and Mr. Albert McLain of Kenilworth spoke in opposition to the group home being built in the Kenilworth area.

The City Manager said Council may need to obtain the Attorney General's opinion as to whether the permit applied for the group home in Kenilworth would come under the jurisdiction of the current moratorium.

Mr. Johnson reported that anyone aggrieved by his decision to issue the permit can appeal his decision to the Board of Adjustment pursuant to the Zoning Ordinance.

Wilder Wadford, representing Buncombe County Group Homes for the Developmentally Disabled Adults, Inc. said that the application for a building permit was made before the moratorium was imposed and their request would fall under the grandfather clause and a permit should be issued. He said the proposed home has been in planning for a long time and thousands of dollars already spent on the project. He said he felt this amendment was a discriminatory attempt to keep these types of homes from being placed in the City of Asheville, particularly at the Chiles Avenue location. He said the Group Home in Kenilworth should not be discussed during this meeting because the requirements would not apply.

Mr. Wadford said the standards in the proposed ordinance are too restrictive and unfair. He said the standards go to the extreme.

He said the Group Home in Kenilworth meets all requirements for such homes as required by the North Carolina Department of Human Resources.

The City Manager said since Council is really discussing two separate issues, the issues should be separated into separate ordinances and acted upon in that manner or Council should continue the hearing and give the City staff an opportunity to check into the legality of the proposed ordinance and the present moratorium, as well as an opportunity to obtain the Attorney General's opinion on the issue.

Mrs. Schriber of Westchester Drive and Mrs. Kirby of 7 Chiles Avenue spoke in opposition to the proposed Group Home in Kenilworth.

After discussion, Councilman Rainey moved to continue the public hearing until November 15, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Attorney Wadford agreed to wait until November 16, 1979, to request that the building permit be issued.

PUBLIC HEARING - ORDINANCE SETTING FORTH STANDARDS FOR PLACEMENT OF STRUCTURES EITHER ON, ABOVE, OR BELOW THE SURFACE OF RIGHTS-OF-WAYS OR TRAVELLED PORTIONS OF THE STREETS, SIDEWALKS, ALLEYWAYS, OR OTHER WAYS OF PUBLIC PASSAGE WITHIN THE CITY OF ASHEVILLE - KNOWN AS "SUPERPOLE ORDINANCE"

5. A public hearing was held relative to the adoption of an ordinance setting forth standards for placement of structures either on, above, or below the surfact of right-of-ways or travelled portions of the streets, sidewalks, alleyways, or other ways of public passage within the City of Asheville - known as "Superpole Ordinance."

After discussion, Councilwoman Price moved to proceed with the third reading of Ordinance No. 1129 and to amend the ordinance to provide that the effective date of the ordinance be 30 days after adoption, to determine that the property owner has paid all taxes due on the property, and a valid contract has been made with a contractor to bring the house up to code standards and further that the Chief Building Inspector report the status of the improvements to Council in 30 days and that the Chief Building Inspector take no action on the ordinance until action is approved by Council. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1129 passed on its third reading.

Complete text of Ordinance No. 1129 will be found in Ordinance Book No. 9 at page 50.

BUDGET AMENDMENT - FUNDING EQUIPMENT FOR SHILOH CENTER

9. Consideration was given to a budget amendment amending the 1979-80 City of Asheville Operating Budget.

The City Manager said this amendment in the amount of \$20,000 is to fund equipment for the Shiloh Recreation Center.

Vice Mayor Horton moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. RESOLUTION NO. 79-229 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on U. S. 25 approximately 2400' north from N. C. 280 (Long Shoals Road).

HIGHLIGHTS: This right-of-way encroachment agreement with the North Carolina Department of Transportation and Highway Safety is for the water line that is to be constructed on U. S. 25 located approximately 2400' North from N. C. 280 (Long Shoals Road). Because this line will encroach on the State right-of-way, this agreement is necessary.

Complete text of Resolution No. 79-229 will be found in Resolution Book No. 11 at page 338.

- B. RESOLUTION NO. 79-230 - Resolution authorizing the City Council of the City of Asheville to proclaim October 17th - October 27th, 1979, as Hallelujah Asheville - Fall Festival Days!

Upon inquiry of Council, Larry Holt, Deputy Executive Director of the Housing Authority, said the proposed developers of Lot 190 plan to construct a 4,600 square foot building which will house a Mini-Mart and an Ice Cream Parlor.

Councilwoman Price moved to approve the sale of Disposal Parcels 40, 69, 71, 89, and 190 in the East Riverside Urban Renewal Project as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

SIGN PERMIT FOR NEAGLE SIGN COMPANY - 400 HENDERSONVILLE ROAD

7. Consideration was given to the approval of a sign permit for Neagle Sign Company for a sign at 400 Hendersonville Road.

The City Manager said Neagle Sign Company has requested approval of a sign permit for a sign to be located at 400 Hendersonville Road. He said this sign is to be situated closer than 600' from the Expressway requiring the approval of City Council.

Don Dawson, with Neagle Sign Company, said the proposed sign meets all zoning requirements and the only reason it is before Council is that it is to be placed within 600' of I-26.

Councilman Cole moved to approve the sign permit for Neagle Sign Company to be located at 400 Hendersonville Road. This motion was seconded by Vice Mayor Horton. On a voice vote of 3 to 2, the motion to approve the sign permit failed with Councilwoman Price and Councilman Rainey voting "no."

ORDINANCE NO. 1129 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

8. Consideration was given to the third reading of Ordinance No. 1129, an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue.

Mayor Trantham said the ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

Max Cogburn, attorney representing Mrs. Edith Bryan, owner of 230 Montford Avenue, said some improvements have been made to the house since the first reading of the ordinance. He said during the first reading of the ordinance, Council implied that the ordinance might be deferred on the third reading pending the accomplished improvements to the house during the two-week period. He said they are trying to save and restore the house.

Mr. Bruce Roberts, general contractor and restorer of old houses, said he reviewed the report of the Inspections Division and inspected the house in question. He said in his opinion, the house is restorable. He said the house needs extensive work, but could be saved. He said as a rough estimate, it would take about \$15,000 to put it into a habitable condition and about \$35,000 to completely restore the house to its original condition. He said it would take four to five months to bring the house up to a habitable condition. He said he felt there is a need to preserve the integrity and cultural awareness of the past by restoring such older homes.

BACKTALK Editor

Subject: Letter for publication on Sunday, October 21

Last week, the Asheville-Buncombe community was involved in a most significant and challenging social betterment activity.

"Drug Awareness Week" in Asheville and Buncombe county made a positive impact on a large segment of older students in our public schools and on many parents who attended the several evening meetings.

The Ted Stone Enlightenment Crusade brought a dynamic and impressive presentation of information and drug abuse prevention warnings in assembly programs to over 6,000 students in city and county schools. The frank and open message of Ted Stone, former drug addict and four-year prison inmate because of his addiction, held the rapt attention and interest of every audience and student questions were answered about the dangers of drugs.

A survey of drug use and knowledge was also taken in several classes of every grade level, which should provide revealing insight into our local drug situation.

There wasn't time to get into every school, but it is hoped those missed will be covered at a later date.

Many people helped make this week an outstanding success. City Council and County Commissioners passed resolutions proclaiming the special week. West Asheville Baptist Church and Concerned Citizens for a Better Asheville and Buncombe County co-sponsored the crusade and did the committee work and financing. The school superintendents and principals responded with great interest and cooperation. Several PTA's and churches helped in promotion and publicity. Radio and TV coverage was most helpful. City and county law enforcement people gave assistance and suggestions. Informative brochures were prepared and handed out to all attending the sessions.

Our sincerest appreciation and thanks to all those who were involved and gave so much time and energy to this most noteworthy community activity. This is planned to be just the beginning of a continuing drug abuse awareness and educational effort in our community. Involvement by more of our citizens would be welcomed.

Bob B. Horton

Bill B. Horton

CHAIRMAN

CONCERNED CITIZENS FOR A BETTER ASHEVILLE & BUNCOMBE COUNTY

Complete text of Resolution No. 79-230 will be found in Resolution Book No. 11 at page 339.

- C. Approval of bids received October 12, 1979, for 150 stacking chairs for the Shiloh Center.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by Casst Office Furniture Company in the amount of \$2,736.00. Funding: Parks and Recreation Department - Budget Motion in the amount of \$20,000; Account Code 14-45-501-084.0074.

- D. Approval of bids received October 12, 1979, for uniforms for Asheville Fire Department.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of lowest overall bid submitted by Stinnette Uniform Sales, Inc. in the amount of \$3,698.02; Funding: Fire Department, General Operating Fund; Account Code 10-40-470.0036.

- E. Approval of bids received October 12, 1979, for one (1) pick-up truck for Asheville Airport.

HIGHLIGHTS: Two (2) bids were received. Recommendation of low bid submitted by Apple Tree Chevrolet in the amount of \$5,148.13. Funding: Revenue Sharing Trust Fund - Aviation Capital Outlay.

- F. RESOLUTION NO. 79-231 - Resolution authorizing the filing of an assurance with the United States Department of Transportation concerning nondiscrimination on the basis of handicap.

HIGHLIGHTS: This assurance is a prerequisite to approval or extension of any program or project receiving Federal financial assistance from the U. S. Department of Transportation. The City of Asheville has received and desires to receive additional Federal financial assistance from the U. S. Department of Transportation.

Complete text of Resolution 79-231 will be found in Resolution Book No. 11 at page 340.

DRUG AWARENESS WEEK - VICE MAYOR HORTON

11. Vice Mayor Horton read the following letter and requested that it be included in the minutes:

Thursday - October 25, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen F. Jack Cole, Gene E. Rainey, Ralph D. Morris, Jr., and Otis B. Michael, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Vice-Mayor Bill B. Horton gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 18, 1979 meeting.

Upon motion of Councilman Rainey, seconded by Councilman Michael, the minutes of the October 18, 1979 meeting were approved as submitted.

ORDINANCE NO. 1130 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Beverly Hills Area)

2. Consideration was given to the third reading of Ordinance No. 1130, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the Beverly Hills area from R-2 Residential District and OI Office Institutional District to R-1 Single Family Residential District.

Mayor Trantham said the Ordinance was previously read on first and second readings and that it would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, read a letter received from Bishop Michael J. Begly of the Catholic Diocese of Charlotte requesting officially that the Office Institutional portion of the Monastery property be rezoned to R-3 in conjunction with the 1963 Agreement. He recommended delaying the third reading of the Beverly Hills Rezoning until November 15, 1979, to allow the Planning and Zoning Commission an opportunity to hold public hearings and make a recommendation on Bishop Begly's request. He said this would satisfy the conditions of the 1963 Agreement and would show an effort to protect the property rights of all involved. He said an agreement could be made, for the interim, that no options be executed and no building permits be issued for the Carmelite Monastery property.

Councilman Morris said he felt the Planning Director's recommendation would clear up any legal problems relative to the Beverly Hills Rezoning.

Keith Snyder, Attorney representing the Beverly Hills Homeowners Association, Inc., reiterated comments made during the second reading of the Ordinance, supporting the rezoning of the area to R-1 Residential District.

DEAD SQUIRREL ON REYNOLDS PLACE

12. Councilman Rainey reported that there has been a dead squirrel on Reynolds Place for about a week.

The City Manager said he would look into the matter.

PROCLAMATION - UNITED NATIONS WEEK - OCTOBER 21-28 - UNITED NATIONS DAY, OCTOBER 24, 1979

13. Mayor Trantham proclaimed the week of October 21-28 as United Nations Week and October 24, 1979, as United Nations Day.

PROCLAMATION - OCTOBER 31, 1979, UNICEF DAY

14. Mayor Trantham proclaimed October 31, 1979, as UNICEF Day.

REQUEST FROM ASHEVILLE AREA CIVIC CENTER COMMISSION FOR FREE PARKING DURING SELECTED EVENTS.

15. The City Manager said he had received a request from the Asheville Area Civic Center Commission for free parking during selected events.

It was the consensus of Council to discuss the matter next week.

CLAIMS - MS. FRED TELL MILLER

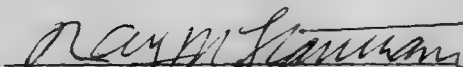
16. The City Manager presented the following claim received from Ms. Freda Tell Miller for damage to a automobile hit by a City vehicle.

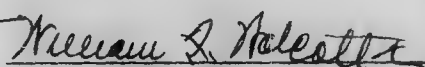
Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - RESIDENTS OF HUBBARD STREET - FIRE HYDRANT

17. The City Manager presented a petition received from residents of Hubbard Street relative to a fire hydrant. He said this petition would be investigated.

Adjournment.


MAYOR


CITY CLERK

3. A public hearing was held relative to amending the Zoning Ordinance to include neighborhood playground or neighborhood parks, which are publicly owned and operated, in all zones as permitted uses.

Mayor Trantham opened the public hearing at 4:53 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at a special session held on October 18, 1979, discussed the following proposed changes to the Asheville Zoning Ordinance:

- 1) That the following wording be permitted in all residential zoning districts and the Office/Institutional District:

"Neighborhood playgrounds or neighborhood parks which are publicly owned and operated. Said playground and park facilities shall be reviewed under the procedures prescribed for Group Developments or Planned Unit Development prior to the construction or reconstruction of the facilities."

- 2) The Commission heard comments and questions from the public and discussed the issues among themselves. After the discussion, the Commission moved to recommend that Council and the Commission take the following action:

"That the staff be requested to make a recommendation to the Planning and Zoning Commission which would encompass a comprehensive study of zoning with particular reference to neighborhood parks and neighborhood playgrounds. Further, the staff should make some definitions of parks, playgrounds, neighborhood facilities, exactly what they are, and also give us parameters for recommendation to City Council as to exactly what procedures would be involved in any group development evaluation of such projects."

Mr. Emrick said it would take five or six months to complete the study.

Vice Mayor Horton said he felt the Planning and Zoning Commission is overlooking the fact that this Council and the previous Council's commitment to build a North Asheville Park. He said at present Council is in a legal dilemma about the construction of the North Asheville Park and he felt the wording amendment would settle the legal problems. He said the Planning and Zoning Commission's recommendation would be great for a long-range plan, but not for the present.

Mr. Emrick commented that Planning and Zoning was requested to deal with the amendment concerning all residential districts. He said they issued an opinion before on the North Asheville Park Project and they still stand by their opinion.

Mr. Emrick said Council could consider several alternatives which include:

273

Upon inquiry of Council, Corporation Counsel William C. Moore said in his opinion, the 1963 Agreement is valid. He also told Council that it is illegal for an individual or group to petition to rezone property whose owner was opposed to the rezoning.

After discussion, Councilwoman Price moved to accept the recommendation of the Planning Director and the Corporation Counsel to delay the third reading of Ordinance No. 1130 until November 15, 1979, to allow the Planning and Zoning Commission an opportunity to hold public hearings and make a recommendation on Bishop Begly's request. Further, that the Planning and Zoning Commission hold a public hearing on the matter on November 7, 1979. This motion was seconded by Councilman Morris.

Councilman Rainey disagreed with Councilwoman Price's motion stating that it is too bad that the Catholic Sisters have to oppose the rezoning so harshly. He said he felt the Sisters have received bad advice to pursue this so far. He said he felt Council should proceed with the third reading of the Ordinance.

Vice Mayor Horton agreed with Councilman Rainey.

Virginia York, a realtor representing Bishop Begly, spoke in opposition to the rezoning. She said the attempt by the homeowners to rezone the Sisters' property "smelled of socialism," and said that if the rezoning was granted and the developers did not purchase the land, the Sisters would lose approximately 80 percent of the value of the land.

Clyde Collier of Ambler Road spoke in support of the rezoning and requested that Council proceed with the third reading.

Helen O'Hara, 187 Fairway Drive, also spoke in support of the rezoning.

Don Roberts, representing the Beverly Hills Homeowners Association, Inc. requested that Council proceed with the third reading of the Ordinance.

Councilman Morris said Council should at least consider Bishop Begly's request and not have one property owner bear the burden. He said Council should also take the advice of the Corporation Counsel in this matter.

Mayor Trantham called for a roll call vote on Councilwoman Price's motion, which motion was defeated on a vote of 4 to 3 with Councilwoman Price, Councilman Michael and Councilman Morris voting "aye" and Councilman Rainey, Councilman Cole, and Vice Mayor Horton, and Mayor Trantham voting "no."

On a roll call vote of 4 to 3, Ordinance No. 1130 passed on its third and final reading with Councilwoman Price, Councilman Michael, and Councilman Morris voting "no" and Councilman Rainey, Councilman Cole, Vice Mayor Horton, and Mayor Trantham voting "aye."

Complete text of Ordinance No. 1130 will be found in Ordinance Book No. 9 at page 53.

PUBLIC HEARING - AMENDING ZONING ORDINANCE - PLAYGROUNDS OR PARKS

ORDINANCE NO. 1133 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Playgrounds or Parks

Sherrill Campbell, a resident of the area, spoke in opposition to the construction of the North Asheville Park.

Mayor Trantham closed the public hearing at 6:03 P.M.

Verl Emrick read the ordinance.

Vice Mayor Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Rainey.

After discussion, Councilwoman Price moved to table Ordinance No. 1133 until the Planning and Zoning Commission has an opportunity to recommend standards for the placement of neighborhood parks and playgrounds. This motion was seconded by Councilman Cole, which motion carried on a voice vote of 4 to 2, with Councilman Morris, Councilwoman Price, Councilman Cole, and Mayor Trantham voting "aye" and Vice Mayor Horton and Councilman Rainey voting "no."

RESOLUTION NO. 79-232 - RESOLUTION ENLISTING IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

4. Consideration was given to a resolution enlisting in the North Carolina Local Government Employees Retirement System.

Mike Smith, Director of Administration, read the resolution and explained that this would allow the participation of the members of the Asheville General Employees Retirement Plan in the North Carolina Local Governmental Employees Retirement System.

Sam Graves, Director of Employee Services, reported that the employees and retired employees attended educational training sessions relative to the State Retirement Plan. He said an election would be held among the employees on November 2, 1979, to determine if the employees desire to participate in the State Retirement Plan. He said if the election is successful, the change over could be accomplished by January 1, 1980.

Upon motion of Councilwoman Price, seconded by Vice Mayor Horton, Resolution No. 79-232 was unanimously adopted.

Complete text of Resolution No. 79-232 will be found in Resolution Book No. 11 at page 341.

RESOLUTION NO. 79-233 - RESOLUTION ENLISTING IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM

5. Consideration was given to a resolution enlisting in the North Carolina Local Governmental Employees Retirement System.

Mike Smith, Director of Administration, read the resolution and explained that this would allow all eligible unenrolled general employees of the City of Asheville to participate in the North Carolina Local Governmental Employees Retirement System.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-233 was unanimously adopted.

Complete text of Resolution No. 79-233 will be found in Resolution Book No. 11 at page 342.

- 1) Taking no action and letting the federal grant expire;
- 2) Giving the property to the School Board for its use next to the Ira B. Jones School;
- 3) Selling the property for private development;
- 4) Rezoning the land to R-3 where parks are allowed;
- 5) Changing the wording to allow parks in all zones under conditional use; or
- 6) Seeking a transfer of the grant to be used at another site.

Councilman Morris said Council was told not to commit to building the North Asheville Park, by the City Attorney, particularly on the Swain property because it is zoned R-1 Residential District, which does not allow a park. He said he felt the massive delay was due to Council not taking the advice of the City Attorney at that time. He said Council should follow the recommendation of the Planning and Zoning Commission.

Council then discussed the possibility of using the old Landfill property as a site for the North Asheville Park.

Ray Kisiah, Director of Parks and Recreation, told Council it would be illegal to transfer the grant for another site. He said the grant, with an extension, will expire June 30, 1981. However, it will take 18 to 24 months to build the park, which doesn't leave much time.

Councilman Rainey said Council should proceed with amending the Zoning Ordinance to include parks and playgrounds in all residential zones of the City.

Mayor Trantham said he favored the construction of a park in North Asheville, but he could not favor opening all residential areas for parks and playgrounds. He said standards need to be provided for before opening this up to all residential zones.

Mr. Kisiah said the Parks and Recreation Advisory Board has recommended that the Zoning Ordinance be amended to include neighborhood parks and playgrounds.

Mack Day, representing the Grove Park Sunset Association, supported the Planning and Zoning Commission's recommendation and opposed any amendment to the Zoning Ordinance at the present. He said there is no need for a park in North Asheville and the residents in the area cannot take the additional traffic that would be generated by the Park.

Shelby Horton, Attorney, requested that Council stand firm in their decision regarding the construction of the North Asheville Park. He said he had filed an appeal against the current injunction to stop the construction of the Park.

Councilman Morris commented that Council did not authorize the appeal against the injunction. He also said Council should not approve the amendment before standards are set for parks and playgrounds.

Councilman Michael was excused from the meeting at 6:00 P.M.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. RESOLUTION NO. 79-234 - Resolution appointing a member to the City of Asheville Board of Alcoholic Control.

HIGHLIGHTS: This was a reappointment of Mrs. Celeste Loftin to the Board of Alcoholic Control.

Complete text of Resolution No. 79-234 will be found in Resolution Book No. 11 at page 343.

- B. RESOLUTION NO. 79-235 - Resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the Housing Authority of the City of Asheville for the dedication of land in the East Riverside Urban Renewal Area.

HIGHLIGHTS: Dedication of Parcel 143 of the East Riverside Urban Renewal Project. The Housing Authority Board of Commissioners approved the execution of a contract for the dedication of Parcel 143 to the City of Asheville.

Complete text of Resolution No. 79-235 will be found in Resolution Book No. 11 at page 344.

- C. RESOLUTION NO. 79-236 - Resolution authorizing the Mayor on behalf of the City of Asheville to execute Change Order No. 7 with Champion Contracting Company, Inc. for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.

HIGHLIGHTS: This Change Order increased the contract price by \$23,523.25 and was requested to add a new access road to the required facilities in sequence with the 1,500' runway extension.

Complete text of Resolution No. 79-236 will be found in Resolution Book No. 11 at page 345.

- D. RESOLUTION NO. 79-237 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a continuing lease between the Federal Aviation Administration and the City of Asheville

HIGHLIGHTS: This lease agreement superceded the present agreement by changing the yearly termination and renewal only to coincide with the FAA change in the fiscal year.

Complete text of Resolution No. 79-237 will be found in Resolution Book No. 11 at page 346.

279

Councilwoman Price noted that the expenditures for participation in the State Retirement Plan was appropriated when the 1979-80 Budget was adopted.

ORDINANCE NO. 1132 - AN ORDINANCE AMENDING ORDINANCE NO. 861, KNOWN AS "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES RETIREMENT PLAN AND TRUST"

6. Consideration was given to an ordinance amending Ordinance No. 861, known as "AN ORDINANCE ESTABLISHING THE ASHEVILLE GENERAL EMPLOYEES RETIREMENT PLAN AND TRUST."

Mike Smith, Director of Administration, read the ordinance. He said that this ordinance will allow for an increase in benefit payments to employees of the City of Asheville who retired prior to October 1, 1979.

Vice Mayor Horton noted that the increase would be taken from the surplus currently in the General Employees Retirement Plan.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1132. This motion was seconded by Councilman Rainey.

On a roll call vote of 6-0, Ordinance No. 1132 passed on its first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1132. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1132 passed on its second reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1132. This motion was seconded by Vice Mayor Horton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1132 passed on its third and final reading.

Complete text of Ordinance No. 1132 will be found in Ordinance Book No. 9 at page 56.

ADOPTION OF ANNEXATION PLAN - ASHEVILLE COUNTRY CLUB GOLF COURSE

7. Consideration was given to the adoption of the Annexation Plan for the area known as the Asheville Country Club Golf Course as required by North Carolina General Statutes 160A-49(c).

Verl Emrick, Planning Director, said this is in conjunction with the proposed annexation of the Asheville Country Club property scheduled for a public hearing on November 18, 1979. He said North Carolina General Statutes 160A-49(c) requires that Council adopt the plan fourteen (14) days before the public hearing.

Mr. Emrick then read the plan for extending the services to the proposed annexed area. He said a copy of the plan will be on file, for public inspection, in the Office of the City Clerk.

Councilman Rainey moved to adopt the Annexation Plan for the area known as the Asheville Country Club Golf Course as presented by the Planning Director. This motion was seconded by Vice Mayor Horton and carried unanimously.

streets. He said sufficient funds are not available to do the entire resurfacing, however, funds are available for major patching which would cost approximately \$18,000 to \$20,000. He said the Director of Public Works recommends the major patching.

It was the consensus of Council that the Department of Public Works proceed with the major patching of Marlowe Drive and Donna Drive.

DISCUSSION - FREE PARKING AT CIVIC CENTER GARAGE FOR UNC-A BASKETBALL GAMES IN NOVEMBER

The City Manager said the Council discussed during the pre-council meeting the request of the Asheville Area Civic Center Commission to provide free parking at the Civic Center Parking Garage during selected events at the Civic Center. He said it was agreed by Council that the request be honored by a joint arrangement by the City of Asheville and UNC-A to provide free parking for the two UNC-A basketball games scheduled in November while the UNC-A Gym is under repairs. He said this would be a pilot program and will be evaluated after these two events.

After discussion, Councilman Rainey requested that the record show the agreement was not unanimous.

RESCHEDULING OF PUBLIC HEARING - DAWNWOOD CONDOMINIUMS

The City Manager said he had received a request from the developers of Dawnwood Condominiums to reschedule the public hearing for November 1, 1979.

Councilwoman Price moved to reschedule the public hearing relative to the site plan for Dawnwood Condominiums for November 1, 1979. This motion was seconded by Councilman Cole and carried unanimously.

PROCLAMATION - NATIONAL EPILEPSY MONTH - NOVEMBER, 1979

Mayor Trantham proclaimed the month of November, 1979 as Epilepsy Month in the City of Asheville.

PROCLAMATION - "DELTA BLACK OUT FOR PROGRESS" - OCTOBER 28, 1979 THROUGH JANUARY 13, 1980

Mayor Trantham proclaimed October 28, 1979, through January 13, 1980, as "Delta Black Out for Progress" period in the City of Asheville. He said this period is proposed for a "Black Out" of television, radio, telephone, record players, etc. in order to provide a designated period of time for study. He said this period of time is being proposed by the Asheville Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

CLAIMS - JERRY'S BILTMORE GULF - FLESTO FREEMAN

The City Manager presented claims received from Jerry's Biltmore Gulf and Flesto Freeman for damage to automobiles hit by city vehicles.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

- E. RESOLUTION NO. 79-238 - Resolution authorizing the Mayor to enter into an agreement with Brentwood Rehabilitation Center for fire protection.

HIGHLIGHTS: Brentwood Rehabilitation Center had requested the City of Asheville to enter into a contractual agreement for the City to furnish the necessary men and equipment to answer calls for fire protection from the Brentwood Rehabilitation Center.

Complete text of Resolution No. 79-238 will be found in Resolution Book No. 11 at page 347.

- F. RESOLUTION NO. 79-239 - Resolution authorizing the execution of a contract with the United States Department of Transportation for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: This grant in the amount of \$22,500 will provide for a series of technical studies for the transit operation.

Complete text of Resolution No. 79-239 will be found in Resolution Book No. 11 at page 348.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

BOB WINKLE - APPOINTMENT TO CERTIFICATE OF OCCUPANCY COMMITTEE

9. Councilman Rainey requested that Mayor Trantham officially write Mr. Bob Winkle, a plumber with Rogers Plumbing Company, appointing him to the Certificate of Occupancy Committee.

He said since the Committee is appointed by the Mayor, this would not require action by Council.

Councilman Rainey said he would have a report from the Committee before his tenure on Council expires.

VICE MAYOR HORTON - AMENDMENT TO NOISE ORDINANCE

10. Vice Mayor Horton requested that an ordinance be prepared for Council's consideration next week amending the Noise Ordinance providing for the measuring of the level of noise coming from mufflers from motor vehicles. He said the amendment would provide that the noise not exceed 85 decibels at a distance of 50 feet.

Councilwoman Price requested that before the amendment is considered, the City staff determine if this amendment is an acceptable law enforcement method in North Carolina.

REPORT - PETITION FROM RESIDENTS OF MARLOWE DRIVE AND DONNA DRIVE - STREET CONDITION

The City Manager said the Director of Public Works evaluated the petition from the residents of Marlowe Drive and Donna Drive relative to the condition of the

VICE MAYOR HORTON - ANNOUNCEMENT OF NEW GRANDSON

Vice Mayor Horton announced the arrival of his new grandson born on Saturday, October 20, 1979.

RALPH BISHOP - REQUESTED CERTIFIED TRANSCRIPT OF CERTAIN EXCERPTS FROM CITY COUNCIL MEETINGS

Ralph Bishop requested that Council furnish him with certified transcripts of statements made during his appearance at the City Council Meetings on February 15, 1979, and at today's Council Meeting.

Mayor Trantham and the City Clerk told Mr. Bishop that his request would be honored.

Adjournment.

Waym Trantham
MAYOR

William J. Holcomb
CITY CLERK

Mayor Trantham closed the public hearing at 4:13 p. m.

Councilman Morris moved to approve the site plan for the proposed Dawnwood Condominiums subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilwoman Price and carried unanimously.

ANNEXATION PLAN PRESENTED FOR AREA KNOWN AS THE HANSEL STREET AREA

3. Consideration was given to the adoption of the Annexation Plan for the area known as the Hansel Street area and its immediate environs as required by G. S. 160A-49 (c).

Verl Emrick, Planning Director, said this annexation plan is in conjunction with the proposed annexation of the area known as the Hansel Street area and its immediate environs scheduled for a public hearing on November 15, 1979.

By the use of a map, Mr. Emrick reviewed the location of the proposed annexation area.

Mr. Emrick said the Planning Staff had reviewed the area proposed to be annexed in detail and read the following recommendation relative to the annexation:

MEMORANDUM

To: Ken Michalove, City Manager

From: Verl R. Emrick, Planning Director
Marvin Vierra, Planner IV

Subject: Annexation Study - Hansel Street Area

Date: October 31, 1979

Attached you will find the final annexation report for the area captioned above. Contained within the report is a breakdown of the initial capital and operational cost which would be involved. This cost amounts to an estimated \$231,745.

Given this cost configuration the following observations seem evident:

1. The estimated revenues from this annexation would amount to \$10,209 and given this the estimated payback period would be 23 years for the initial investment.
2. There will also be continuing operational cost involved which will lengthen the payback or breakeven period.

After discussing these issues it would be our recommendation that you advise Council not to pursue this annexation further at this time.

Thursday - November 1, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, and Councilman Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Otis B. Michael, F. Jack Cole and Gene E. Rainey.

INVOCATION

Councilman Ralph D. Morris, Jr. gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 25, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the October 25, 1979 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN FOR DAWNWOOD CONDOMINIUMS

2. A public hearing was held relative to the approval of the site plan for the proposed Dawnwood Condominiums.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at a meeting held on October 3, 1979, reviewed the site plan of the proposed Dawnwood Condominiums to be located on Caribou Road. After discussion, the Commission voted to recommend to City Council that the site plan be approved subject to:

- 1) Compliance with the Erosion Control Ordinance of the City of Asheville;
- 2) Submission of written proof of adequate water and sewer service; and
- 3) Deletion of two units to comply with site density requirements of the R-2 Residential District. (Site plan shows units deleted with initials of developer).

Mr. Carl Hyldburg, the developer's attorney, said the development would add to the city's tax base and would open up available housing.

Upon inquiry of Council, Mr. Emrick said adequate buffering would be provided.

Councilman Morris said he felt the idea of condominiums is the way of the future for young and old and he felt this would be a good investment for the city.

Upon inquiry of Councilwoman Price, the City Manager said the City staff investigated the amendment and found it to be legal with N. C. state laws.

Vice-Mayor Horton moved for the adoption of Ordinance No. 1134. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1134 passed on first reading.

Vice-Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1134. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1134 passed on second reading.

Mayor Trantham said the ordinance would be read on third reading at the next Council meeting.

ORDINANCE NO. 1135 - AN ORDINANCE AMENDING THE WATER AND SEWER CAPITAL CONSTRUCTION FUND CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF JULY 1, 1979

5. Consideration was given to an ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance in effect as of July 1, 1979.

The City Manager read the ordinance and explained that this is a revision of certain appropriations in the Water and Sewer Capital Construction Fund Capital Projects Ordinance.

Bill DeBruhl, Director of Water and Sewer Services, outlined the projects involved in the appropriation amendment.

Councilman Morris moved for the adoption of Ordinance No. 1135. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1135 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1135. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1135 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1135. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1135 passed on third and final reading.

Complete text of Ordinance No. 1135 will be found in Ordinance Book No. 9 at page 60.

If you agree with this recommendation the following alternatives are open at this point:

- (1) Recind the resolution of intent and drop the matter;
- (2) Reduce the size of the area to include only the Regent Park development;
- (3) Ask Planning and Zoning to study the zoning classifications of the area for possible expansion of the Commercial zoning there.

Our recommendation would be embodied in #1 and #3.

If you have any questions please advise.

/s/ Verl R. Emrick

/s/ Marvin Vierra

Mr. Emrick said Council should be selective in the annexation process. He said this area would have to have a new water and sewer line installed for adequate fire protection which would increase the cost of the annexation.

The City Manager said he concurred with the Planning Staff's recommendation.

Vice-Mayor Horton said he felt Council should consider alternative #2 and reduce the size of the area to include only the Regent Park.

After discussion, Councilwoman Price moved to instruct the Planning Department to amend the plan to reduce the size of the area to include only the Regent Park development and requested that the Planning and Zoning Commission study the zoning classifications of the area for possible expansion of the Commercial zoning. This motion was seconded by Vice-Mayor Horton and carried unanimously.

ORDINANCE NO. 1134 - AN ORDINANCE AMENDING SECTION 18-12 (b) (7) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING THE DISCHARGE OF EXHAUST

4. Consideration was given to an ordinance amending Section 18-12 (b) (7) of the Code of Ordinances of the City of Asheville regarding the discharge of exhaust.

The City Manager read the ordinance and explained that this ordinance will include a provision in the noise ordinance prohibiting loud or explosive noises measuring in excess of 85 decibels at a distance of 50 feet.

Vice-Mayor Horton said this ordinance should prevent the loud mufflers in the City of Asheville.

RESOLUTION NO. 79-240 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION COMPANY, FOR THE PROJECT KNOWN AS HAYWOOD ROAD 6-INCH AND 8-INCH SEWER LINE

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company for the project known as Haywood Road 6-inch and 8-inch sewer line.

The City Manager read the resolution explaining that Hobson Construction Company was low bidder on the contract in the amount of \$60,648.00.

Upon motion of Councilman Morris, seconded by Councilwoman Price, Resolution No. 79-240 was unanimously adopted.

Complete text of Resolution No. 79-240 will be found in Resolution Book No. 11 at page 349.

PROCLAMATION - OPERATING ROOM NURSES DAY - NOVEMBER 14, 1979

Mayor Trantham proclaimed November 14, 1979 as Operating Room Nurses Day.

PROCLAMATION - BIBLE WEEK - NOVEMBER 18 - 25, 1979

Mayor Trantham proclaimed the week of November 18-25, 1979 as Bible Week.

PROCLAMATION - YOUTH APPRECIATION WEEK - NOVEMBER 4 - 10, 1979

Mayor Trantham proclaimed the week of November 4 - 10, 1979 as Youth Appreciation Week.

PROCLAMATION - NORTH CAROLINA LUNG RUN DAY - NOVEMBER 3, 1979

Mayor Trantham proclaimed November 3, 1979 as North Carolina Lung Run Day.

REZONING OF B. C. MORTON PROPERTY - HAYWOOD ROAD AT CLOYES STREET

The City Manager read the following letter from Mr. William T. Biggers:

October 30, 1979

The Honorable Roy M. Trantham
Mayor, City of Asheville
P. O. Box 7148
Asheville, North Carolina

re: Rezoning/B. C. Morton
Haywood Road at Cloyes Street

On September 28, 1978, the Council tabled a proposal concerning the rezoning of Mr. Morton's property. At the time they tabled the matter, the Council expressed a desire that Morton and the neighbors reach a compromise.

BIDS - ONE (1) 2-TON VIBRATORY ROLLER FOR THE STREET DIVISION

6. Consideration was given to bids received October 29, 1979 for one (1) 2-ton vibratory roller for the Street Division.

The City Manager presented the bids stating that two (2) bids were received and a recommendation has been received for the acceptance of the low bid submitted by Western Carolina Tractor Company in the amount of \$7,600.00.

Councilwoman Price moved to accept the recommendation and award the bid to the low bidder, Western Carolina Tractor Company in the amount of \$7,600.00. This motion was seconded by Councilman Morris and carried unanimously.

DIRECTIVES RELATIVE TO ORDINANCE NO. 1129, AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

7. In order to clearly define the directives for the enforcement of Ordinance No. 1129, Councilwoman Price moved to rescind her motion made on October 18, 1979 relative to Ordinance No. 1129 directing the Housing Officer to demolish the dwelling house known as 230 Montford Avenue and to make the effective date of Ordinance No. 1129 to be December 2, 1979. She further moved that on December 13, 1979 the Chief Building Inspector report to the City Council the following facts: 1) Whether the property owner has paid all taxes due on the property; 2) Whether a valid contract has been made with a contractor to bring the house up to code standards; and 3) whether any improvements have been made to the dwelling, at which time Council can decide whether to rescind Ordinance No. 1129 or to continue with the enforcement of same. This motion was seconded by Vice-Mayor Horton and carried unanimously.

REPORT REQUESTED FROM ASHEVILLE REVITALIZATION COMMISSION RELATIVE TO SHOPPING CENTERS

8. Councilwoman Price, referring to the proposed shopping center to be located on South Bear Creek Road, moved that the City Council request a report from the Asheville Revitalization Commission relative to the effects these types of shopping centers will have on the downtown revitalization efforts. This motion was seconded by Vice-Mayor Horton and carried unanimously.

Council requested that this report be received before action is taken on the third reading of the ordinance to rezone the property for the proposed shopping center.

CLAIMS - MS. HESTER DAVIS - MR. C. M. SHERMAN

9. The City Manager presented claims received from Ms. Hester Davis and Mr. C. M. Sherman.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ROAD MAINTENANCE AT HAYWOOD ROAD AND JOHNSON SCHOOL ROAD - REQUEST BY VICE-MAYOR HORTON

Vice-Mayor Horton requested that the City staff talk with the State Highway Department relative to the road maintenance at Haywood Road and Johnson School Road.

The Associate City Manager/City Clerk said he would look into the matter.

RALPH BISHOP - REQUEST TO LOOK OVER RECORDS - OFFICE SUPPLIES

Ralph Bishop thanked Council for furnishing him transcripts of certain Council meetings. He said he would also like to look over some records, if it is within his legal right, the records of Larry Fisher, the Finance Director, relative to office supplies.

The City Clerk advised Mr. Bishop that he was not charged for the transcripts because the City did not have a policy concerning charges on requests for transcripts, however, the City would adopt such a policy and there would be a charge for future requests for transcripts.

Council requested that the City Clerk present them with a recommendation relative to charges for such requests.

Adjournment.

Ray M. Harrison
MAYOR

William J. Holcomb
CITY CLERK

Mr. Morton now advises me that he is prepared to construct an access drive to his business from Haywood Road, thereby removing the majority of commercial traffic from Cloyes Street. He has also asked that I write you and request that this matter be brought back before Council at your earliest convenience.

Please advise me if this matter can be brought before Council.

Sincerely,

/s/ William T. Biggers

William T. Biggers
Attorney at Law

Mr. Verl Emrick, Planning Director, then read the following memorandum:

MEMORANDUM

TO: Ken Michalove, City Manager
FROM: Verl R. Emrick, Jr., Planning Director
SUBJECT: Rezoning Request - B. C. Morton,
Haywood Road and Cloyes Street
DATE: November 1, 1979

On September 28, 1979 City Council tabled the request of Mr. Morton to rezone the property shown on the attached map. It is my understanding that Council has not read the ordinance which would effect the change requested by Mr. Morton; therefore, the options available to Council now are as follows:

- (1) Remove the matter from the table, readvertise and hold the required public hearings on the ordinance, or
- (2) Remove the request from the table and refer it to the Planning and Zoning Commission for review and recommendation. (Planning and Zoning reviewed this proposal on July 12, 1978).

NOTE: Recommend that #2 be followed since over a year has passed since it was discussed.

/s/ Verl

After discussion, Councilman Morris moved to remove the request of Mr. Morton's rezoning from the table and refer it to the Planning and Zoning Commission for review and recommendation. This motion was seconded by Councilwoman Price and carried unanimously.

Don Dawson, of Neagele Sign Company, said the sign meets all zoning and building requirements.

Councilman Michael moved to approve the sign permit for Neagele Sign Company for a sign to be situated at 400 Hendersonville Road. This motion was seconded by Councilman Morris and carried on a voice vote of 4-2, with Councilwoman Price and Councilman Rainey voting "no."

SIGN PERMIT-NEAGELE SIGN COMPANY -FAIRVIEW ROAD

4. Consideration was given to a sign permit for Neagele Sign Company for a sign on Fairview Road.

J. E. Johnson, Chief Building Inspector, said Neagele Sign Company has requested approval of a sign permit for a sign to be situated on Fairview Road, which requires the approval of the City Council pursuant to Ordinance No. 322, being that the sign will be closer than 600' to a limited access highway.

Don Dawson, of Neagele Sign Company, said the sign meets all zoning and building requirements.

Councilman Michael moved to approve the sign permit for Neagele Sign Company for a sign to be situated on Fairview Road. This motion was seconded by Councilman Morris and carried unanimously.

PUBLIC HEARING - REZONING OF PROPERTY IN BEAVERDAM VALLEY

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to rezoning property in the Beaverdam Valley area from R-2 Low Density Residential District to R-1 Single Family Residential District.

Mayor Trantham opened the public hearing at 4:18 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held October 3, 1979 considered a petition from residents of Beaverdam Valley and the Beaverdam Community Council that the entire Beaverdam Valley be rezoned from R-2 Low Density Residential District to R-1 Single Family Residential District. He said after considering the issues of the request, the Commission voted to recommend to City Council that the petitions be approved, but limit the change to the jurisdiction of the City of Asheville in the Beaverdam Valley.

Upon inquiry of Councilman Michael, Mr. Emrick said the Beaverdam Planning Council wants to rezone the entire valley R-1 until the community members themselves form their own neighborhood zoning ordinance. He said the residents feel apartments or condominiums would be detrimental to the plan until the plan is prepared and adopted.

Thursday, November 8, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, Otis B. Michael, and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman F. Jack Cole

INVOCATION

Councilman Otis B. Michael gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 1, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, the minutes of the November 1, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-241 - RESOLUTION TO NAME THE LIVINGSTON STREET RECREATION CENTER IN MEMORY OF WILLIAM C. REID SR.

2. Consideration was given to a resolution to name the Livingston Street Recreation Center in memory of William C. Reid, Sr.

The City Manager read a letter from Ray Kisiah, Director of Parks and Recreation, which stated that the Asheville Parks and Recreation Advisory Board at its regular meeting on Wednesday, November 7, 1979 recommended unanimously to City Council that the name of the Livingston Street Recreation Center be changed to the William C. Reid Memorial Recreation Center. This change is requested to honor the memory of Mr. William C. Reid, Director of Livingston Street Center until his death on September 11, 1979.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 79-241 was unanimously adopted.

Complete text of Resolution No. 79-241 will be found in Resolution Book No. 11 at page 350.

SIGN PERMIT - NEAGELE SIGN COMPANY - 400 HENDERSONVILLE ROAD

3. Consideration was given to a sign permit at 400 Hendersonville Road for Neagele Sign Company.

J. E. Johnson, Chief Building Inspector, said Neagele Sign Company has requested approval of a sign permit for a replacement sign at 400 Hendersonville Road which requires the approval of the City Council pursuant to Ordinance No. 322, being that the sign is within 600' of a limited access highway.

Frank Cole, also a property owner in the area, requested that his property which adjoins Mr. Reynolds on Pinecroft be excluded from the rezoning.

The following individuals spoke in support of the rezoning of the Beaverdam Valley to R-1 Single Family Residential District:

Mrs. Scott Wright
 Mrs. June Ratcliff
 Mr. Charles Worley
 Mr. Joe Brown
 Mr. John Jerose, representing Thoms Broadcasting Company

Council then discussed the water and sewer problems of Beaverdam Valley and Mayor Trantham requested that the City Manager make a report at next week's meeting on the water and sewer conditions in Beaverdam Valley.

Councilman Morris said he felt it would be more honest to put a moratorium on anything except single family housing rather than using the zoning ordinance as a tool to accomplish the same thing.

Mayor Trantham closed the public hearing at 6:55 p. m.

The Corporation Counsel read the ordinance rezoning the area as recommended by the Planning and Zoning Commission.

The City Manager said he felt the most appropriate action would be to table any action on rezoning or calling a moratorium until appropriate information is gathered on water and sewer lines and until the Council further studies the implications of rezoning an area in the extraterritorial zoning jurisdiction.

After discussion and several motions, which no action was taken on, were made, Councilwoman Price moved to table any action on the ordinance until November 29, 1979, at which time Council could consider excluding the properties requested to be excluded and a report could be given by the City Manager relative to the water and sewer conditions of the Beaverdam area. This motion was seconded by Councilman Morris, which motion carried on a voice vote of 5-1, with Councilman Rainey voting "no."

PUBLIC HEARING - ANNEXATION OF ASHEVILLE COUNTRY CLUB GOLF COURSE PROPERTY

6. A public hearing was held relative to the annexation of the area known as the Asheville Country Club Golf Course.

Mayor Trantham opened the public hearing at 6:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this hearing is the next step in the process to annex the area and no action is required by Council at this time. He said this hearing is to receive input from anyone owning property or having comments relative to the proposed annexation.

Councilman Morris said he was concerned that in the last three or four months, the Planning and Zoning Commission has sent Council a number of rezonings from R-2 to R-1 in a time when it is more and more difficult for single families and younger people to afford to buy homes rather than living in apartments.

Councilman Michael said he felt the City was encompassing too many areas of R-1 Single Family Residential Districts.

Harold Bennett, Attorney, said he was representing R. L. Coleman and Company, who owns land located in the proposed rezoning on Elk Mountain Scenic Highway. He said the owners did not petition to have the land included in any rezoning petition and the petitions signed by residents of the Beaverdam Valley did not specifically request this land to be included in the proposed rezoning. He said the R. L. Coleman and Company properties are to the South and East of Elk Mountain Scenic Highway and are of the size and character to establish that their best use is for the development of condominiums or apartments and not single family housing. He requested that the Coleman property, being a portion of Lot 8 and Lot 60, Sheet 29, of the Beaverdam Ward and a portion of Lot 1, Sheet 42, of Ward 11 be excluded from the proposed rezoning. He also said the land tracts to the South and East of Elk Mountain Scenic Highway have a tendency to be larger than contemplated for single family housing and not of the nature of the type to be zoned R-1.

Richard Wood, Attorney, said he represents Franlynn Farm Inc. and Mitchell Wolfson, President of the Company. He said Col. Wolfson owns about 125 acres at the intersection of Webb Cove Road. He requested that his clients' property, being Lot 3, Sheet 41, Ward 8 be excluded from the proposed rezoning. He said when this property was brought into the City's extraterritorial jurisdiction it was zoned R-2- Low Density Residential District because it was felt that that was the highest and best use of the property.

Joe Reynolds, Attorney, representing himself, Mr. George J. Couch and Mr. Rolland L. King, said they own about 40 acres off Pinecroft Road above the Brentwood Nursing Home which is best suited for cluster housing or condominiums. He too requested that their property be excluded from the proposed rezoning and that it remain the present R-2 zoning. He noted that he received no notice of the hearing before the Planning and Zoning Commission.

George Hyler, Chairman of the Beaverdam Community Council, told the Council that an organized community planning council has been working for the past several months to establish a community zoning plan and that the request for an R-1 zoning was to protect the integrity of the community until the plan is made and approved. He said it is not their intent to rezone the entire area to R-1 because they did not think R-1 would be the ultimate answer to the community plan. He said their purpose is to come up with a zoning ordinance which would best serve the interest of the entire valley. He said it is anticipated that the plan will be completed by January or February, however, it would not be adopted until late summer of 1980.

Councilman Michael questioned the expediency of this request. He said what the community is really requesting is a moratorium on anything except single family housing until the plan is made and they are using the rezoning as a means to accomplish this.

After discussion, Councilman Rainey moved to table action on the "Superpole Ordinance" until November 29, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - INITIATION OF AMENDMENTS

ORDINANCE NO. 1137 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

8. A public hearing was held relative to amending the Zoning Ordinance dealing with the initiation of amendments.

Mayor Trantham opened the public hearing at 7:12 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held October 3, 1979, considered a proposed wording amendment to Article 11. Amendments of the Asheville Zoning Ordinance. The wording was recommended by City Attorney William Moore in order to spell out the procedures more clearly and assist in the administration of the ordinance. After discussing the amendment, the Commission voted unanimously to recommend that Section 30-11-1. Initiation of Amendments be amended as follows:

"Sec. 30-11-1. Initiation of Amendments

Proposed changes or amendments may be initiated in one of the following ways:

- (1) Origination by the City Council, the Planning and Zoning Commission, or its staff, or the Board of Adjustment as part of a comprehensive plan for a specific area; or
- (2) Origination by one or more owners of the property that is included in the petition for amendment; or
- (3) A person designated by the owner(s) of the property included in the petition as his/her agent and who is duly authorized as such in writing.

Any petition originating by any other method shall be considered invalid and will not be accepted for processing.

However, any group of individual property owners (comprising a minimum of fifty-one percent (51%) of the property owners of the area) who are of the opinion that the character of a specific area has changed significantly, may request that City Council or the Planning and Zoning Commission consider initiating a special zoning study to determine if a change in the development plan for the area(s) in question is warranted."

Mayor Trantham closed the public hearing at 7:20 p. m.

Verl Emrick, Planning Director, read the ordinance.

207

Charles David, Jr., President of the Country Club of Asheville, speaking on behalf of the Board of Governors, said they have no objection to the annexation procedure. He said they felt their additional taxes would be offset by the additional city services.

Mayor Trantham closed the public hearing at 6:23 p. m.

CONTINUATION OF PUBLIC HEARING - "SUPERPOLE ORDINANCE"

7. A public hearing was continued relative to an ordinance setting forth standards for placement of structures either on, above, or below the surface of rights-of-ways or travelled portions of the streets, sidewalks, alleyways, or other ways of public passage within the City of Asheville.

Verl Emrick, Planning Director, said he had met with representatives of the utility companies as requested by Council. He said they had incorporated several revisions to the proposed ordinance. He then presented the revisions to the ordinance as requested by the utility companies. These revisions included a provision for a blanket encroachment which state the exceptions to the ordinance and allows the day to day operations without Council review of the plans.

Councilman Rainey said the proposed revisions takes away the principal purpose of the ordinance and if the revisions remain there would be no need to consider the ordinance. He said the principal purpose of the ordinance is to avoid a reoccurrence of the "Superpoles" which were installed on Lakeshore Drive.

John Jerosé, representing Thoms Cablevision, said he had not been consulted about the proposed ordinance. He said if adopted as proposed the ordinance would be in conflict with the present franchise Thoms Cablevision has with the City. He requested that Council postpone action on the ordinance giving his attorney an opportunity to review the ordinance. He said he would also like input into the ordinance.

Charles Dyson, of Carolina Power and Light Company, answered questions from members of Council and said he had no problems with the ordinance, provided the blanket agreement could be left in, in order that the everyday routine operations of the company would not be hindered.

Robert Fleming, District Manager of Southern Bell Telephone, said he felt the blanket encroachment was necessary in order to prevent his company from coming to Council on everyday routine operations. He said he was concerned that some terms in the ordinance were too broad and should be more clearly defined.

Councilman Morris was excused from the meeting at 7:00 p. m.

Both Mr. Dyson and Mr. Fleming said they had no objections to coming to Council for approval of installation of transmission lines and substations.

Mayor Trantham closed the public hearing at 7:07 p. m.

4. A project involving the location of an apartment complex, condominiums, mobile home parks, or camper-trailer parks, containing five (5) or more individual units."

Mayor Trantham closed the public hearing at 7:26 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1138. This motion was seconded by Councilman Rainey.

On a roll call vote of 5-0, Ordinance No. 1138 passed on first reading.

RESOLUTION NO. 79-242 - RESOLUTION DECLARING THE INTENTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WITH RESPECT TO THE PROPOSED PLAN OF FINANCING THE COST OF CONSTRUCTING AND ACQUIRING A NURSING HOME IN ASHEVILLE, NORTH CAROLINA, BY A NONPROFIT CORPORATION AND AGREEMENT TO ACCEPT A GRANT TO THE CITY OF ASHEVILLE OF TITLE TO SUCH NURSING HOME UPON RETIREMENT OF THE BONDS TO BE ISSUED PURSUANT TO SUCH PLAN

10. Consideration was given to a resolution declaring the intention of the City of Asheville, North Carolina, with respect to the proposed plan of financing the cost of constructing and acquiring a nursing home in Asheville, North Carolina, by a nonprofit corporation and agreement to accept a grant to the City of Asheville of title to such nursing home upon retirement of the bonds to be issued pursuant to such plan.

Attorney Joseph Reynolds, representing the developer of the Brookwood-Victoria Health Care Center, said Brookwood Investments, Ltd. will build the facility in partnership with Dr. John Holt which will offer service to 120 patients. He said under the terms of the resolution the City will act as sponsor for the project in order to allow tax-free bonds to be issued for the financing of the project in exchange for ownership of the facility when the debts are paid. He said there will be no liability on the part of the City and the facility itself will not be tax exempt as far as real or personal ad valorem taxes are concerned. He said the City may withdraw their sponsorship at any time prior to the issuance of the bonds with no liability on behalf of the City to any party.

Mr. Reynolds said the developer has been awarded by the State of North Carolina a certificate of need, with an approval date of November 22, 1979, however, the construction must begin before January 1, 1980 or the approval will be withdrawn. He said, for this reason, time is of essence in this matter.

Ken Gummels, a representative of Brookwood Investments, Ltd, in Atlanta, said the method of financing the project is one which is being used more frequently as financing nursing homes becomes more and more difficult to achieve. He said in this agreement the City will be acting only as a vehicle to achieve the tax-free bonds, and the only responsibility the City will have is to accept the facility as a gift when the debts are paid. The property can then be used as any other city property.

Councilman Michael moved for the adoption of Ordinance No. 1137. This motion was seconded by Vice-Mayor Horton.

On a roll call vote of 5-0, Ordinance No. 1137 passed on first reading.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - GROUP DEVELOPMENT SECTION

ORDINANCE NO. 1138 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

9. A public hearing was held relative to amending the Group Development Section of the Zoning Ordinance.

Mayor Trantham opened the public hearing at 7:23 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held October 3, 1979, considered a proposed wording amendment to the Group Development Section of the Zoning Ordinance. The amendment would address proposed structural changes and redesign of existing structures in addition to new construction. After discussion, the Commission voted unanimously to recommend to City Council that the title of Article 6. Group Developments, and the first paragraph be amended as follows:

"ARTICLE 6. EXCEPTIONS: GROUP DEVELOPMENTS/PLANNED UNIT DEVELOPMENTS

Section 30-6-1. Group Developments/Planned Unit Developments

Primarily it is the intent of this Section to encourage flexibility and innovation in the design and location of structures and land development, and to provide an opportunity to develop land areas in a manner different from the standard arrangement of one principal building on one lot. Further intended that these developments will be in harmony with the character of the district in which it is located and that adequate standards will be maintained pertaining to the public health, safety, welfare, and convenience. To that end, the following types of projects shall be reviewed under the procedures described by this Ordinance.

An activity involving new construction or any structural alterations which would include the rehabilitation, redesign, or reconstruction of a building(s) or structure(s) which would fall into one or more of the following categories:

1. A structure or building with a gross floor area of 25,000 square feet or more.
2. A project involving the location of more than one (1) principal building on a lot or tract of land.
3. A project involving the location of more than one (1) principal use on a lot or tract of land. (An example of this type of development would include a self-contained shopping center), or a project involving a change in the principal use(s) on a lot or tract of land.

- B. Resolution No. 79-244 - Resolution recognizing the advantages of a water conservation education and information program.

HIGHLIGHTS: This resolution has also been requested for the approval of a State Water Bond Grant for the Pine Street Improvements.

Resolution Book No. 11 at page 353.

- C. Approval of bids received October 31, 1979 for one (1) tractor loader with a four(4) in one (1) bucket to be used in Sanitation Division.

HIGHLIGHTS: Two (2) responsive bids were received. Recommendation of acceptance of lowest fully responsive bid submitted by Arden Equipment Company, Inc. in the amount of \$14,999.00. Funding: Revenue Sharing Trust Fund, Sanitation Division Capital Outlay Equipment.

- D. Approval of bids received November 2, 1979 for Low Profile Single Vacuum Street Sweeper for Street Division.

HIGHLIGHTS: One (1) fully responsive bid was received. Recommendation of acceptance of bid submitted by North Carolina Equipment Company in the amount of \$73,940.00. Funding: Revenue Sharing Trust Fund, Streets Division Capital Outlay Equipment.

Upon motion of Councilwoman Price, seconded by Councilman Michael, the consent agenda was unanimously approved.

CONTRACT WORK - HEAVY EQUIPMENT

Councilman Michael suggested that the City consider contracting out work, where feasible, when the use of heavy equipment is required for the work. He said this may save some funds.

The City Manager said this suggestion is already being followed.

RESOLUTION NO. 79-245 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH RUCKMAN BROTHERS COMPANY, FOR THE PROJECT KNOWN AS WEST ASHEVILLE STREET AND DRAINAGE IMPROVEMENTS

The City Manager said bids were opened for the West Asheville Street and Drainage Project on November 6, 1979 and Ruckman Brothers, Inc. is the apparent low bidder for the contract in the amount of \$144,848.50. He then read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Horton, Resolution No. 79-245 was unanimously adopted.

Complete text of Resolution No. 79-245 will be found in Resolution Book No. 11 at page 354.

30

Bob Wurst, Budget Officer, told Council that the method of financing is being done and the City will in no way be responsible. He said the facility would add approximately \$2 million to the City's tax base and would result in approximately an additional \$17,000 in tax revenues each year.

Councilman Rainey said since he did not know all the details of the project and the agreement he would therefore vote "present."

The City Manager said several avenues need to be explored relative to the project and under the terms of the agreement the City will have time to explore these before the issuance of the bonds in March, 1980. He said this is not a final commitment, only an intent. However, since time is of essence he would recommend adoption of the resolution at the present time.

The City Manager then read the resolution.

Upon motion of Councilman Michael, seconded by Vice-Mayor Horton, Resolution No. 79-242 passed on a 5-0 vote, with Councilman Rainey voting "present."

Complete text of Resolution No. 79-242 will be found in Resolution Book No. 11 at page 351.

ORDINANCE NO. 1134 - AN ORDINANCE AMENDING SECTION 18-12 (b) (7) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING THE DISCHARGE OF EXHAUST

11. Consideration was given to the third reading of Ordinance No. 1134, an ordinance amending Section 18-12 (b) (7) of the Code of Ordinances of the City of Asheville regarding the discharge of exhaust.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1134 passed on third and final reading.

Complete text of Ordinance No. 1134 will be found in Ordinance Book No. 9 at page 59.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-243 - Resolution recognizing the advantages of water conservation by Water Loss Prevention and Detection Program.

HIGHLIGHTS: This resolution has been requested for the approval of a State Water Bond Grant for the Pine Street Improvements.

Resolution Book No. 11 at page 352

MEMORANDUM TO: Ken Michalove
City Manager

FROM: Sam Graves
Director of Employee Services

SUBJECT: Results of Elections to Participate in the North Carolina
Local Governmental Employees' Retirement System

This is to report to you that on November 2, 1979, from 8:30 a. m. til 5:00 p. m., an election was held as required as a part of the application process of local units of government desirous of participating in the State Retirement System. The requirements to conduct such an election are set forth in the provisions of the North Carolina Local Governmental Retirement System, Article 3 of Chapter 128 of the General Statutes of North Carolina, as amended by the 1945 General Assembly.

Attached to this memorandum is a report of the outcome of the election and related correspondences. Below is a general summary of the election results:

1. Approximately eighty-one percent (81%) of all persons eligible to vote in the election voted.
2. Seventy-eight percent (78%) of those voting voted "YES."
3. Three percent (3%) of those voting voted "NO."

If you have any questions or need additional information regarding this matter, please advise me accordingly."

REQUEST FROM SALVATION ARMY - SIDEWALKS

The City Manager advised that the Salvation Army, constructing their administrative offices at the corner of Haywood Street and Carter Street, has requested that the City install their sidewalk with them furnishing only the materials. He said when the Salvation Army started their building the City had a policy whereby the property owner would furnish the materials and the City would furnish the labor to install sidewalks. He said that policy ceased on July 1, 1979 and the City is no longer installing sidewalks. He said the Salvation Army has requested the City to revert back to that policy in their case. He said he had suggested that he could get the work done with the Salvation Army paying the full cost if Council authorized him to do so.

It was the consensus of Council that the City Manager proceed with his suggestion.

RESCHEDULING OF PUBLIC HEARING - ANNEXATION OF REGENCY PARK

ADOPTION OF ANNEXATION PLAN - REGENCY PARK

Verl Enrick, Planning Director, said since Council, at last week's meeting, revised the area proposed to be annexed in the Regency Park area it is necessary at this time for Council to adopt an annexation plan for the area and to reschedule the public hearing relative to the annexation.

200

CLAIMS - MR. JAMES R. WILLIAMS - MR. VINCENT LOFANO

The City Manager presented claims for damages received from Mr. James R. Williams and Mr. Vincent Lofano.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - CHILDREN'S BOOK WEEK - NOVEMBER 11 - 17, 1979

Mayor Trantham proclaimed the week of November 11-17, 1979 as "Children's Book Week."

REPORT - SANITATION EQUIPMENT

The City Manager, at the request of Vice-Mayor Horton, presented the following report from the Sanitation Superintendent relative to equipment:

MEMORANDUM TO: T. C. Brown
Director of Public Works

FROM: S.L. McHone, Jr.
Superintendent - Sanitation

DATE: November 5, 1979

"Clark, this is in reply to the conversation we had Friday, November 2, 1979, regarding our leaf vacuums.

We have five (5) Super Vacs and all of them are in good condition. All of the machines were checked by Western Carolina Tractor during the summer months. In my opinion, we do not need to trade any of these machines for at least the next two (2) years.

We have one (1) 1974 model, two (2) 1975 models, and two (2) 1976 models. We need to include two (2) machines in next years budget. This would allow one (1) machine to be placed in each of the seven (7) sections. The new tractor in this years budget should take up part of the slack during this season.

Most of the debris left when the leaf vacuums go through is caused by the air escape that we have cut in the tops of our trucks. This usually amounts to dust or small pieces of leaves due to the velocity of the machine."

Vice-Mayor Horton said he had requested the report because there had been a number of breakdowns in his neighborhood.

REPORT - RESULTS OF ELECTION TO PARTICIPATE IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

The City Manager presented the following report from Sam Graves, Director of Employee Services, relative to the election to participate in the North Carolina Local Governmental Employees' Retirement System:

Mr. Enrick then presented the annexation plan for the Regency Park area.

Councilman Rainey moved for the adoption of the annexation plan for the Regency Park area as presented by the Planning Director. This motion was seconded by Councilwoman Price and carried unanimously.

Councilwoman Price moved to schedule the public hearing for the annexation of the Regency Park area for December 6, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

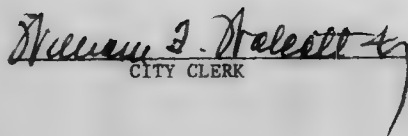
RALPH BISHOP - LOTTERY SALES

Ralph Bishop again spoke to Council relative to the wide-open lottery sales in the City of Asheville. A discussion was held between Mr. Bishop and Councilman Rainey relative to this subject.

Mr. Bishop requested a verbatim transcript of the statements made at this meeting beginning with his statements.

Adjournment.


MAYOR


CITY CLERK

Councilman Morris moved to schedule a public hearing relative to amending the Zoning Ordinance to include "Family Care Homes" as conditional uses in all Residential Districts and in the Office Institutional District for November 29, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

Verl Emrick then presented the following ordinance for Council's consideration:

ORDINANCE NO. 1139 - AN ORDINANCE PROVIDING FOR A LIMITED MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS

Consideration was given to the adoption of an ordinance providing for a limited moratorium on the issuance of building permits for group homes for developmentally disabled adults.

Councilwoman Price moved for the adoption of Ordinance No. 1139. This motion was seconded by Vice Mayor Horton.

On a roll call vote of 7-0, Ordinance No. 1139 passed on first reading.

Councilwoman Price moved to amend Ordinance No. 1139 by including the following sentence:

"Said moratorium shall be in effect for a period not to exceed six (6) months."

This motion was seconded by Councilman Rainey and carried unanimously.

Vice Mayor Horton moved to suspend the rules and proceed to the second reading of Ordinance No. 1139, as amended. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1139, as amended, passed on second reading.

Vice Mayor Horton moved to suspend the rules and proceed to the third reading of Ordinance No. 1139, as amended. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1139, as amended, passed on third and final reading.

9 Complete text of Ordinance No. 1139, as amended, will be found in Ordinance Book No. ~~X~~ at page 64.

Councilwoman Price moved to schedule the public hearing relative to "Family Care Homes" for December 6, 1979, rather than November 29, 1979. This motion was seconded by Councilman Rainey and carried unanimously.

Several residents of the Kenilworth area, including Mr. Tom Posey, Mr. Albert McLean, Mr. Thomas Johnson, Mr. Gallion, and Mr. Marvin Chambers discussed the effect Council's action, taken at this meeting, will have on the proposed group home on Chiles Avenue.

Corporation Counsel William C. Moore told Council and the area residents that the City is legally obligated to issue the building permit for the group

Thursday - November 15, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Gene E. Rainey gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 8, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Rainey, the minutes of the November 8, 1979 meeting were approved as submitted.

RESOLUTION NO. 79-246 - RESOLUTION IN MEMORY OF ASSISTANT FIRE CHIEF JOSEPH LANDIS DIGGS, SR.

2. Consideration was given to a resolution in memory of Assistant Fire Chief Joseph Landis Diggs, Sr., who passed away on November 14, 1979.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Horton, Resolution No. 79-246 was unanimously adopted.

Complete text of Resolution No. 79-246 will be found in Resolution Book No. 11 at page 354.

CONTINUATION OF A PUBLIC HEARING - AMENDING THE ZONING ORDINANCE TO INCLUDE "FAMILY CARE HOMES" AND "GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED ADULTS"

3. A public hearing was continued relative to amending the Zoning Ordinance to include "Family Care Homes" and "Group Homes for Developmentally Disabled Adults" as Conditional Uses in all residential zoning districts and in the Office Institutional District.

Mayor Trantham said this public hearing was continued from the October 18, 1979 meeting.

Verl Emrick, Planning Director, recommended that the two issues be separated into two ordinances, one for "Family Care Homes" and one for "Group Homes for Developmentally Disabled Adults."

After discussion, Mayor Trantham closed the public hearing at 4:12 P.M.

Councilwoman Price then moved to table action on the matter and that further action by Council be taken separately for the "Family Care Homes" and "Group Homes for Developmentally Disabled Adults." This motion was seconded by Councilman Michael and carried unanimously.

PUBLIC HEARING - GROUP DEVELOPMENT PLAN - SOUTH FOREST SHOPPING CENTER

5. A public hearing was held relative to the approval of a group development plan for the South Forest Shopping Center.

Mayor Trantham opened the public hearing at 5:15 P.M.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at its October 3, 1979, meeting approved the site plan of proposed additions and improvements to the South Forest Shopping Center located on Hendersonville Road. The Commission voted to recommend to City Council that the site plan be approved subject to:

- 1) Completion of satisfactory erosion control;
- 2) Buffering of trees in compliance with Section 30-3-14 (A)(2);
- 3) Buffering of solid barrier fence in compliance with Section 30-3-14 (A)(5). The fence will begin at a point 300' west of the northeast corner of the property; thence continuing along the western (rear) and southern property lines to a point that is 626.75 feet east and 109.13 feet south of the property line intersection of Hendersonville Road.
- 4) No access to the parking lot from Cornell Street; and
- 5) That a portion of Lot 1, Sheet 52, Ward 7 be rezoned from R-2 Residential District to CH Commercial Highway District to accommodate required parking spaces.

Mayor Trantham closed the public hearing at 5:20 P.M.

Councilman Morris moved for the approval of the group development plan for the South Forest Shopping Center subject to the conditions provided for by the Planning and Zoning Commission. This motion was seconded by Vice Mayor Horton and carried unanimously.

ORDINANCE NO. 1141 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4-A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (Asheville Country Club Golf Course Area)

6. Consideration was given to an ordinance to extend the corporate limits of the City of Asheville under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Planning Director, read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1141. This motion was seconded by Vice Mayor Horton.

On a roll call vote of 6-0, Ordinance No. 1141 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1141. This motion was seconded by Councilman Cole

home on Chiles Avenue because the Buncombe County Group Home applied for the building permit prior to the moratorium imposed by Council on October 4, 1979. He said his opinion has been confirmed by the State Attorney General.

Mayor Trantham said Council, being in a legal position, has done everything that could be done relative to the group home on Chiles Avenue. He said the only recourse the area residents have at this point is to request a court injunction against construction of the facility.

Councilman Michael was excused from the meeting at 5:00 P.M.

PUBLIC HEARING - REZONING PROPERTY ON HENDERSONVILLE ROAD - SOUTH FOREST SHOPPING CENTER

ORDINANCE NO. 1140 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED"

4. A public hearing was held relative to rezoning property on Hendersonville Road, property of the South Forest Shopping Center, from R-2 Residential District to CH Commercial Highway District.

Mayor Trantham opened the public hearing at 5:02 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed a site plan of proposed additions to the South Forest Shopping Center as it was felt that in order for the developer to meet minimum parking requirements of the Group Development Section of the Zoning Ordinance, that a portion of the property should be rezoned. He said at the October 3, 1979, meeting of the Planning and Zoning Commission, the Commission voted unanimously to recommend to City Council that a portion of Lot 1, Shet 52, Wart 7 be rezoned from R-2 Residential District to CH Commercial Highway District.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Carroll Hughes, Architect for the Project, said the owners of the shopping center plan to take the currently declining shopping center and upgrade the facility. He said the present building will be renovated to accommodate a major retail store as well as additions made for new stores. He said due to this expansion, the tax base will double for the complex. He said the expansion will not impose an additional burden on the City as utility services from the City are presently available. He requested that Council approve the rezoning and the final plan.

Mayor Trantham closed the public hearing at 5:12 P.M.

Verl Emrick read the Ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1140. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1140 passed on first reading.

ORDINANCE NO. 1142 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE

9. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville.

The City Manager read the ordinance and said the ordinance summarizes and ratifies all motions made amending the 1979-80 Budget Ordinance through November 15, 1979.

Councilwoman Price moved for the adoption of Ordinance No. 1142. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1142 passed on first reading.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET

10. Consideration was given to a budget amendment amending the City of Asheville Community Development Funds Budget for the Fifth Year Community Development Block Grant.

The City Manager presented the budget amendment stating that HUD has agreed to delay the R-48 Disposition Deficit in the City's Community Development Block Grant Fifth Year Entitlement. He said the funds in the amount of \$351,400 will be appropriated in the Senior Citizens Services, Street Improvement Project and the Contingency Fund.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

ABSTRACT OF VOTES CAST AT GENERAL ELECTION - MEMBERS OF ASHEVILLE CITY COUNCIL

11. The City Clerk presented the abstract of votes cast at the General Election for members of the Asheville City Council held on November 6, 1979.

A copy of the abstract of votes will be on file in the Office of the City Clerk.

APPROVAL OF THE CONSENT AGENDA

12. The following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 79-247 - Resolution accepting information regarding dissolution of the Sinking Fund Commission for Buncombe County.

HIGHLIGHTS: The City has received copies of reports regarding the dissolution of the Sinking Fund Commission for Buncombe County. This will ratify, accept, and approve the reports and acknowledge the receipt of funds and discharge the Commissioners of their duties.

and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1141 passed on second reading.

ORDINANCE NO. 1137 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Amendment to Initiation of Amendments)

7. Consideration was given to the second reading of Ordinance No. 1137, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to amendment to initiation of amendments.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Councilwoman Price moved to amend Ordinance No. 1137 by deleting the last paragraph in Section 1 (a) and substituting the following: "However, any group of individual property owners who comprise a minimum of fifty-one percent (51%) of the property owners in the area and who own at least fifty-one percent (51%) of the property located within the area to be considered, who are of the opinion that the character of a specific area has changed significantly, may request that City Council consider initiating a special zoning study to determine if a change in the development plan for the area(s) in question is warranted." This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1137, as amended, passed on second reading.

ORDINANCE NO. 1138 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Group Development Section)

8. Consideration was given to the second reading of Ordinance No. 1138, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to the Group Development Section.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Councilwoman Price moved to amend Ordinance No. 1138 by deleting Section 1 (3) and substituting the following: "(3) A project involving the location of more than one (1) principal use on a lot or tract of land. (An example of this type of development would include a self-contained shopping center), or a project involving a change in the principal use(s) on a lot or tract of land provided that the change in use involves a project which would qualify for review under the provisions of item 1 or 2 as specified above." This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1138, as amended, passed on second reading.

DEMOLITION OF DOWNTOWN BUILDINGS DURING HOLIDAYS

Councilman Rainey suggested that there be no demolition of buildings in the downtown area from today, November 15, 1979, through December 25, 1979.

COUNCIL MEETING - NOVEMBER 22, 1979

Mayor Trantham announced that Council will not be meeting on November 22, 1979, Thanksgiving Day.

CLAIMS - HOWARD GOLDEN - MARY DEVERS - BRUCE CHARLES PUTMAN

The City Manager presented claims for damage received from Mr. Howard Golden, Mary Devers, and Bruce Charles Putman.

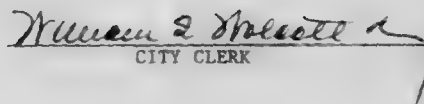
Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

REPORT ON LOTTERY ARRESTS - FEBRUARY 1979 THROUGH NOVEMBER 1979

The City Manager reported, for Council's information, that the Selective Enforcement Squad of the Asheville Police Department, has made twenty-eight (28) gambling or related arrests between the period of February 1979 and November 1979. He cited the fines given to several individuals revealing that very little active time is given and in most instances the fines and cost are relatively small which permits those arrested to start their operation again soon after being arrested.

The meeting adjourned at 6:00 p. m.


MAYOR


CITY CLERK

- B. Scheduling of a public hearing relative to rezoning property on Caledonia Road for Appalachian Hall for December 13, 1979.

HIGHLIGHTS: Planning and Zoning Commission at its November 7, 1979 meeting considered a request by Attorney John Stevens to rezone property on Caledonia Road, owned by Appalachian Hall, from R-3 Medium Density Residential District to OI Office Institutional District. Planning and Zoning Commission recommended approval of a portion of the petition.

- C. Scheduling of a public hearing relative to the site plan of proposed warehouse addition to the DeBall-Girmes Company on Charlotte Highway for December 13, 1979.

HIGHLIGHTS: Planning and Zoning Commission has recommended approval of the site plan for a proposed warehouse addition to the DeBall-Girmes Company on Charlotte Highway.

- D. Scheduling of a public hearing relative to the site plan of proposed Asheville Terrace Apartments to be located on Tunnel Road (U. S. 70) for November 29, 1979.

HIGHLIGHTS: Planning and Zoning Commission has recommended approval of the site plan for proposed Asheville Terrace Apartments to be located on Tunnel Road, subject to several conditions.

- E. Scheduling of a public hearing relative to Tennessee Valley Authority Flood Maps and Report for December 13, 1979.

- F. Approval of bids received October 19, 1979 for one (1) four-wheel Snow Removal Vehicle for the Asheville Airport.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by Arrowhead International Truck Sales, Inc. in the amount of \$29,449.00. Funding: FAA Grant - ADAP Project 6-37-0005-05

- G. Approval of bids received November 12, 1979 for two (2) Loader Backhoes for the Water Maintenance Division.

HIGHLIGHTS: Five (5) bids were received. Recommendation of acceptance of low bidder, Farm Equipment Company, who submitted an alternate bid, in the amount of \$29,986.00. Funding: Water and Sewer Services, Maintenance and Construction Capital Outlay Account Code 30-50-731.0074 budgeted \$33,000 and 30-50-732.0074 budgeted \$33,000.

Upon motion of Councilman Cole, seconded by Councilman Morris, the consent agenda was unanimously approved.

116

ORDINANCE NO. 1138 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Group Development Section)

3. Consideration was given to the third reading of Ordinance No. 1138, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to the Group Development Section of the Zoning Ordinance.

Mayor Trantham said the ordinance was previously read on first and second reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1138 passed on third and final reading.

Complete text of Ordinance No. 1138 will be found in Ordinance Book No. 9 at page 64.

ORDINANCE NO. 1140- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning of property at South Forest Shopping Center)

4. Consideration was given to the second reading of Ordinance No. 1140, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the South Forest Shopping Center from R-2 Residential District to CH Commercial Highway District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1140 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third reading of Ordinance No. 1140. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1140 passed on third and final reading.

Complete text of Ordinance No. 1140 will be found in Ordinance Book No. 9 at page 67.

ORDINANCE NO. 1141 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (Asheville Country Club Golf Course Property)

5. Consideration was given to the third reading of Ordinance No. 1141, an ordinance to extend the Corporate Limits of the City of Asheville, under the authority granted by Part 3, Article 4A, Chapter 160 A of the General Statutes of North Carolina, annexing the Asheville Country Club Golf Course Property into the City Limits of Asheville.

215

Thursday - November 29, 1979 - 2:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Bill B. Horton, Councilwoman Norma T. Price, Councilmen Gene E. Rainey, F. Jack Cole, Otis B. Michael and Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 15, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the November 15, 1979 meeting were approved as submitted.

ASHEVILLE FIRE DEPARTMENT - CHIEF CAUSEY - FIRE FIGHTER INSTRUCTOR CERTIFICATE

Mayor Trantham recognized Chief Causey of the Asheville Fire Department for receiving a certificate from the National Fire Protection Association as a National Certified Fire Fighter Instructor.

CERTIFICATES PRESENTED TO FIRE CADETS

Mayor Trantham recognized twelve (12) individuals who recently completed instruction in Basic Fire Fighting. Chief Ball presented the individuals with their certificates.

ORDINANCE NO. 1137 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Amendment to initiation of amendments)

2. Consideration was given to the third reading of Ordinance No. 1137, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to an amendment to the procedures for initiation of amendments to the Zoning Ordinance.

Mayor Trantham said the ordinance was previously read on first and second reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1137 passed on third and final reading.

Complete text of Ordinance No. 1137 will be found in Ordinance Book No.

9 at page 62.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1143. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1143 passed on second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1143. This motion was seconded by Vice-Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1143 passed on third and final reading.

Complete text of Ordinance No. 1143 will be found in Ordinance Book No. 9 at page 73.

RESOLUTION NO. 79-248 - RESOLUTION AMENDING RESOLUTION NO. 73-44 KNOWN AS "THE REGULATIONS FOR THE ADMINISTRATION OF THE ASHEVILLE CIVIC CENTER."

8. Consideration was given to a resolution amending Resolution No. 73-44 known as "The regulations for the administration of the Asheville Civic Center."

The Corporation Counsel read the resolution.

The Assistant City Manager said the Civic Center Director and the Asheville Area Civic Center Commission recently reviewed the regulations for the administration of the Asheville Civic Center and recommend that the current policy be amended to more clearly define the regulations. He reviewed the recommended changes.

Vice-Mayor Horton noted that in the regulations law enforcement at the Civic Center is the primary responsibility of the Director and not the promoter of the events.

Upon motion of Councilman Michael, seconded by Councilman Cole, Resolution No. 79-248 was unanimously adopted.

Complete text of Resolution No. 79-248 will be found in Resolution Book No. 11 at page 359.

PUBLIC HEARING - SITE PLAN OF ASHEVILLE TERRACE APARTMENTS

9. A public hearing was held relative to the site plan of the proposed Asheville Terrace Apartments to be located on Tunnel Road (U. S. 70).

Mayor Trantham opened the public hearing at 2:27 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said that the Planning and Zoning Commission, at a meeting on November 7, 1979, reviewed the site plan of the proposed Asheville Terrace Apartments, a Section 8 Elderly Housing Project to be located on U. S. Highway 70. He said after discussion, the Commission voted that the site plan be approved subject to approval of the Asheville Fire Department and optional parking be submitted to the Planning Staff for approved spaces up to 30 percent of the number of units.

He said Council, in August of 1979, approved the allocation for Section 8

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1141 passed on third and final reading.

Complete text of Ordinance No. 1141 will be found in Ordinance Book No. 9 at page 68.

ORDINANCE NO. 1142 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1979-80

6. Consideration was given to the second reading of Ordinance No. 1142, an ordinance amending the operating and capital budget for the City of Asheville for fiscal year 1979-80 summarizing and ratifying all motions made amending the 1979-80 Budget Ordinance through November 15, 1979.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1142 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1142. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1142 passed on third and final reading.

Complete text of Ordinance No. 1142 will be found in Ordinance Book No. 9 at page 72.

ORDINANCE NO. 1143 - AN ORDINANCE AMENDING ORDINANCE NO. 933, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE CIVIC CENTER COMMISSION"

7. Consideration was given to an ordinance amending Ordinance No. 933, known as "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE CIVIC CENTER COMMISSION."

The Corporation Counsel read the ordinance.

The Assistant City Manager advised that the Civic Center Director and the Asheville Area Civic Center Commission recently reviewed the ordinance and recommends that the Council amend the ordinance to more clearly define the ordinance and to incorporate previous amendments to the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1143. This motion was seconded by Councilman Morris.

On a roll call vote of 7-0, Ordinance No. 1143 passed on first reading.

RESOLUTION NO. 79-250 - RESOLUTION APPROVING THE AIRPORT AUTHORITY AGREEMENT AND
AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE

11. Consideration was given to a resolution approving the Airport Authority Agreement and authorizing the Mayor to execute said Agreement on behalf of the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-250 was unanimously adopted.

Complete text of Resolution No. 79-250 will be found in Resolution Book No. 11 at page 361.

At this time, Mayor Trantham and the Chairman of the Buncombe County Commissioners, R. Curtis Rateliff, signed the Airport Agreement.

Mayor Trantham recognized the members of the City/County Aviation Committee: Eugene C. Ochsenreiter, Jr., Chairman, Councilwoman Price, Councilmen Cole and Michael; County Commissioners Cary Owen, Bill Oglesby, Zeb Sheppard and called on each to make a statement as well as the members of the Council and the County Commissioners.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Beaverdam Valley)

12. Consideration was given to an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended to rezone property in the Beaverdam Valley area to R-1 Single Family Residential District.

Councilwoman Price moved to table action on the ordinance until January 17, 1980, giving the City staff an opportunity to obtain additional information on the water and sewer conditions in the Beaverdam Valley. This motion was seconded by Vice Mayor Horton and carried unanimously.

Councilman Rainey suggested that Council impose a moratorium on construction of apartments in the Beaverdam Valley until the issue is decided.

Councilman Morris moved to schedule a public hearing concerning the adoption of an ordinance imposing a moratorium on the issuance of zoning permits in the Beaverdam Valley for January 17, 1980. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1144 - AN ORDINANCE SETTING FORTH THE ADMINISTRATION OF STANDARDS FOR
PLACEMENT OF STRUCTURES EITHER ON, ABOVE, OR BELOW THE SURFACE OF RIGHTS-OF-WAY OR
TRAVELED PORTIONS OF THE STREETS, SIDEWALKS, ALLEYWAYS, OR OTHER WAYS OF PUBLIC
PASSAGE WITHIN THE CITY OF ASHEVILLE

13. Consideration was given to an ordinance setting forth standards for placement of structures either on, above or below the surface of rights-of-way or traveled portions of the streets, sidewalks, alleyways, or other ways of public passage within the City of Asheville.

The City Manager said, at the direction of Council, a meeting was held with the utility representatives at which time it was agreed that rather than Council adopting an ordinance regulating structures on rights-of-way, to form a Committee

funding for the project. By the use of a map, Mr. Emrick reviewed the location of the proposed apartments. He said the apartments will be on Tunnel Road utilizing the existing motel. He said there will be 248 units with the motel being rehabilitated for the use of 56 of the units. He said a new facility will be constructed for the remaining 192 units. He said the developers will improve the access road to a standard 24' width with a turning radius. He said there is a definite need for elderly housing in Asheville as outlined in the Housing Assistance Plan.

Rodney Lawler of Lawler-Wood, Inc., developers, said the facility will meet all federal, state, and local requirements. He said there would be scheduled bus service for the tenants from 8:00 A.M. until 5:00 P.M. to meet the needs of the tenants. He said the building would be staffed 24-hours a day with emergency transportation available at all times. He said 192 units will be constructed to accommodate the handicapped. Mr. Lawler went on to state that they would comply with the conditions outlined by HUD including a breezeway/walkway to the Asheville Mall and a new signalization system at the location.

Councilman Morris said it was his understanding that the developers had requested that the Housing Authority sponsor the funding of the project through a non-profit bond status, which request the Housing Authority denied. He said it is also his understanding that the developers were not present at the meeting when the Housing Authority made the decision.

After discussion, Councilman Morris moved that the Mayor be authorized to write a letter to Housing Authority encouraging them to meet with the developers relative to their request. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Michael noted that the Council is not encouraging the Housing Authority to change their decision, but to give the developers an opportunity to discuss their request with them.

Mayor Trantham closed the public hearing at 2:59 P.M.

Vice Mayor Horton moved that in addition to the conditions provided by the Planning and Zoning Commission a third condition be required that a firm agreement be reached between the developer and the North Carolina Department of Transportation for a new pedestrian signal control system at the location. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Rainey moved for the approval of the site plan of the proposed Asheville Terrace Apartments to be located on Tunnel Road (U.S. 70) subject to the conditions provided by the Planning and Zoning Commission and Vice Mayor Horton. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 79-249 - RESOLUTION CHANGING THE NAME OF THE ASHEVILLE AIRPORT TO THE ASHEVILLE REGIONAL AIRPORT

10. Consideration was given to a resolution changing the name of the Asheville Airport to the Asheville Regional Airport.

The City Manager read the resolution.

Upon motion of Councilman Michael, seconded by Vice Mayor Horton, Resolution No. 79-249 was unanimously adopted.

Complete text of Resolution No. 79-249 will be found in Resolution Book No. 11 at page 360.

and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1145 passed on third and final reading.

Complete text of Ordinance No. 1145 will be found in Ordinance Book No. 9 at page 77.

RESOLUTION NO. 79-251 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM CAROLINA POWER AND LIGHT COMPANY FOR UNDERGROUND WIRING IN THE PACK SQUARE REVITALIZATION PROJECT

15. Consideration was given to a resolution authorizing the City Manager to accept a proposal from Carolina Power and Light Company for underground wiring in the Pack Square Revitalization Project.

The City Manager read the resolution explaining that this agreement is also pursuant to Resolution No. 77-155, adopted on September 22, 1977.

Upon motion of Councilman Cole, seconded by Councilman Morris, Resolution No. 79-251 was unanimously adopted.

Complete text of Resolution No. 79-251 will be found in Resolution Book No. 11 at page 362.

SALE OF DISPOSAL PARCELS 2, 20, 39, 82, and 164 - EAST RIVERSIDE URBAN RENEWAL PROJECT

16. Consideration was given to the approval of the sale of disposal parcels 2, 20, 39, 82, and 164 in the East Riverside Urban Renewal Project.

The City Manager presented the recommendation of the Housing Authority of the City of Asheville. The Housing Authority received bids for the sale of the following parcels:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
2	Commercial	\$42,000	\$51,100	Hayes & Lunsford Electric Company
20	Residential	2,700	2,725	Mr. and Mrs. G. Clifton Young
39	Residential	2,800	2,940	Mr. and Mrs. Richard L. Metz
82	Commercial	20,000	21,000	Mr. W. R. Farr
164	Residential	3,500	3,800	Mr. and Mrs. Lewis J. Isaac

Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the proposed uses of the parcels to be sold.

Councilman Morris moved to approve the sale of Disposal Parcels 2, 20, 39, 82, and 164 as recommended by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

REQUEST FOR STATUS REPORT - REVEREND GRANT'S REQUEST TO PURCHASE PROPERTY IN EAST RIVERSIDE URBAN RENEWAL PROJECT

17. Councilman Michael requested a status report on Reverend Grant's request to purchase property in the East Riverside Urban Renewal Project.

The City Manager advised that the City staff is in the process of obtaining guidelines from HUD relative to this request.

consisting of the City Manager and the utility representatives to work on the problems with the structures on rights-of-way. He said it was agreed that the first meeting of the Committee would be on January 9, 1980. He said at the direction of Council, the proposed ordinance was scaled down to deal primarily with electrical substations and transmission lines.

The City Manager read the ordinance.

Councilman Rainey moved for the adoption of Ordinance No. 1144. This motion was seconded by Vice Mayor Horton.

On a roll call vote of 7-0, Ordinance No. 1144 passed on first reading.

Councilman Rainey moved to suspend the rules and proceed to the second reading of Ordinance No. 1144. This motion was seconded by Vice Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1144 passed on second reading.

Councilman Rainey moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1144. This motion was seconded by Vice Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1144 passed on third and final reading.

Complete text of Ordinance No. 1144 will be found in Ordinance Book No. 9 at page 75.

It was the consensus of Council that the City Manager move forward with the establishment of a Committee to deal with problems relating to structures on rights-of-ways.

ORDINANCE NO. 1145 - AN ORDINANCE AMENDING THE ASHEVILLE-BUNCOMBE CAPITAL PROJECTS FUND TO ESTABLISH FUNDING FOR THE PACK SQUARE REVITALIZATION PROJECT

14. Consideration was given to an ordinance amending the Asheville-Buncombe Capital Projects Fund to establish funding for the Pack Square Revitalization Project.

The City Manager read the ordinance explaining that this ordinance will fund all improvements associated with the Akzona Corporate Headquarters and the Pack Square Revitalization Project as agreed to by Resolution No. 77-155, adopted on September 22, 1977.

Councilman Cole moved for the adoption of Ordinance No. 1145. This motion was seconded by Councilman Morris.

On a roll call vote of 7-0, Ordinance No. 1145 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1145. This motion was seconded by Vice Mayor Horton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1145 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1145. This motion was seconded by Vice Mayor Horton

3, 1980, for the adoption of an ordinance relating to amendments of Chapter 8, Article II of the Code of Ordinances, known as the Housing Code.

HIGHLIGHTS: The Certificate of Occupancy and Housing Study Committee has recommended changes in the Housing Code. A public hearing, pursuant to G. S. 160A-364, is required before any amendments can be made to the Housing Code. Complete text of Resolution No. 79-255 will be found in Resolution Book No. 11 at page 367.

- E. RESOLUTION NO. 79-256 - Resolution authorizing the Mayor to sign, on behalf of the City of Asheville, a contract with Huntley Construction Company for the project known as Biltmore Avenue 12-inch Water Line.

HIGHLIGHTS: Bids for the Biltmore Avenue 12-inch Water Line were received on November 6, 1979, and Huntley Construction Company was the low bidder in the amount of \$192,720. Funding: Account Code 68-15-935-0-965. Complete text of Resolution No. 79-256 will be found in Resolution Book No. 11 at page 368.

- F. RESOLUTION NO. 79-257 - Resolution authorizing the Mayor to sign, on behalf of the City of Asheville, a contract with Paving Enterprises, Inc. for the Shiloh/Brooklyn Road, Taft Avenue, Grant Street Improvements.

HIGHLIGHTS: Bids for the Shiloh/Brooklyn Road, Taft Avenue, Grant Street Improvements were received on November 20, 1979, and Paving Enterprises, Inc. was the low bidder in the amount of \$145,959.10. Funding: Account Code 65-60-618-3. Complete text of Resolution No. 79-257 will be found in Resolution Book No. 11 at page 369.

- G. RESOLUTION NO. 79-258 - Resolution authorizing the Mayor to sign, on behalf of the City of Asheville, a contract with Perry Alexander Company for the Bear Creek Road 6-inch Water Line.

HIGHLIGHTS: Bids for the Bear Creek Road 6-inch Water Line were received on November 20, 1979, and Perry Alexander Company was the low bidder in the amount of \$26,817.18. Funding: Account Code 33-50-863. Complete text of Resolution No. 79-258 will be found in Resolution Book No. 11 at page 370.

- H. RESOLUTION NO. 79-259 - Resolution authorizing the Mayor to sign, on behalf of the City of Asheville, a contract with Banks Brothers Construction Company for the project known as Standard Paving Patch.

HIGHLIGHTS: This resolution will authorize the Mayor to execute a contract for a project which entails backfilling, tamping, and surface restoration of maintenance projects in pavement areas. The contract will be for a 4-month trial period and will be paid on a unit cost basis and used as needed. It is anticipated that the contract will be approximately \$50,000 for the 4-month period. Complete text of Resolution No. 79-259 will be found in Resolution Book No. 11 at page 371.

- I. RESOLUTION NO. 79-260 - Resolution authorizing the Mayor to sign, on behalf of the City of Asheville, an agreement with the Town of Black Mountain to acquire on 6-inch Hersey Water Meter and appurtenances in exchange for release of certain water debts owed to the City of Asheville.

REQUEST FOR STATUS REPORT - SALE OF DISPOSAL PARCEL 123 - EAST RIVERSIDE URBAN RENEWAL PROJECT

18. Councilman Michael requested a status report on the sale of Disposal Parcel 123 in the East Riverside Urban Renewal Project.

The City Manager said that on September 6, 1979, the City Council had considered the bid received from Dr. James C. McDonald in the amount of \$39,000 for Disposal Parcel 123. He said after discussing the bid, Council took action to table action on the matter until Dr. McDonald had an opportunity to seek retail tenants for his proposed building.

Councilman Michael said it is his understanding that another developer is interested in Disposal Parcel 123 and Council should take action to allow another developer to bid on the parcel rather than having the land remain dormant.

After discussion, Councilwoman Price moved that the Mayor write a letter to the Housing Authority staff requesting a status report on the sale of Disposal Parcel 123. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

19. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1108, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. RESOLUTION NO. 79-252 - Resolution authorizing the Mayor to enter into a municipal agreement with the North Carolina Department of Transportation for Project No. 8.7384008.

HIGHLIGHTS: This resolution will authorize the Mayor to enter into a municipal agreement with the North Carolina Department of Transportation to widen portions of Merrimon Avenue under Project No. 8.7384008. Complete text of Resolution No. 79-252 will be found in Resolution Book No. 11 at page 363.

- B. RESOLUTION NO. 79-253 - Resolution relating to claims and judgements sought or entered against City officers or employees.

HIGHLIGHTS: This resolution will provide a policy on providing defense for and paying judgements against officers and employees of the City who have been sued while performing their official duties as permitted in G. S. 160A-167. Complete text of Resolution No. 79-253 will be found in Resolution Book No. 11 at page 364.

- C. RESOLUTION NO. 79-254 - Resolution appointing members to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: Mrs. Becky Williams and Mr. Ernest W. Sewell have submitted their resignations to the Adult Advisory Board of the Asheville-Buncombe County Youth Council. Ms. Kathy Watts and Dr. V. E. Yarborough will be appointed to this Council. Complete text of Resolution No. 79-254 will be found in Resolution Book No. 11 at page 366.

- D. RESOLUTION NO. 79-255 - Resolution calling for a public hearing on January

21. The City Manager read the following two letters for Council's consideration:

Helen B. Zageir
361 Windsor Road
Asheville, North Carolina 28804

November 28, 1979

Mr. Kenneth M. Michalove
City Manager
City of Asheville
Asheville, North Carolina 28801

Re: The Man Store building

Dear Mr. Michalove:

I have previously sent you an appraisal report covering the premises known as 22 Patton Avenue, being the premises formerly occupied by The Man Store, prepared by William T. Duckworth, Jr., MAI, SREA, on June 1, 1977, in which the property is appraised at \$80,000.

I am willing to convey to the City of Asheville approximately nineteen feet of this property, being the nineteen feet immediately west of South Lexington Avenue, as a contribution or donation to the City of Asheville for the public use of the City and its citizens, the gift to be effective as of the date of the closing of the transaction.

This offer is contingent on the City and the owners of the other properties on the south side of Patton Avenue agreeing to and paying for the demolition of all the existing improvements. I would, of course, pay for the portion of the demolition expenses for the improvements remaining on my property after the conveyance of the nineteen feet to the City which I understand will be approximately \$8-9,000. I would also expect the City to provide a curb cut on the west side of South Lexington Avenue leading into the property which remains after the gift of conveyance to the City.

I understand that my offer is contingent on the acceptance of this offer by the city council of the City of Asheville and further on the preparation of formal legal documents.

The purpose of this letter is to evidence my intent to consummate this transaction and I would appreciate your response as soon as practical.

With best personal regards,

Yours very truly,

Helen B. Zageir
(Mrs.) Helen B. Zageir

Enclosure

396

HIGHLIGHTS: The Town of Black Mountain has requested that the City of Asheville accept on 6-inch Hersey Water Meter and appurtenances in exchange for the release of water debts incurred by the Town of Black Mountain. Complete text of Resolution No. 79-260 will be found in Resolution Book No. 11 at page 372.

- J. Approval of bids received on November 26, 1979, for solid waste collection system for the Sanitation Division.

HIGHLIGHTS: Bids for solid waste collection system were received on November 26, 1979, for the Sanitation Division. Western Carolina Tractor Company was the only bidder in the amount of \$18,526. Recommendation has been made for acceptance of this bid. Funding: Revenue Sharing Trust Fund - Account Code 50-15-428.0074.

- K. Approval of bids received on November 14, 1979, for signing materials for the Asheville Transit Authority for bus stop signs.

HIGHLIGHTS: Bids for signing materials for the Asheville Transit Authority for bus stop signs were received on November 14, 1979, and Vulcan Signs & Stamping, Inc. was the lowest overall bidder in the amount of \$5,155.40. Funding: UMTA Capital Grant, Project No. NC-03-0006, Account Code 65-25-917-0-869.0073.

Upon motion of Councilman Cole, seconded by Councilman Michael, the consent agenda was unanimously approved.

RESOLUTION NO. 79-261 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE VICTORIA OF ASHEVILLE, INC.

20. Consideration was given to a resolution appointing members to the Board of Directors of the Victoria of Asheville, Inc.

The City Manager read the resolution. He said this resolution would follow through with the establishment of the non-profit corporation, known as Victoria of Asheville, Inc. pursuant to Resolution No. 79-242. He said the By Laws of the Corporation call for a three to five member board and this resolution names three (3) of the members in order to move forward with the establishment of the Corporation. He said Council could at a later date add two more members if they so desire.

Joe Reynolds, Attorney for the Corporation, said Dr. Woodard E. Farmer, Matthew Bacoate, Jr., Logan D. Delany, Lacy T. Haith, and Larry B. Leake have been recommended to serve as the Board of Directors.

Ken Gummels of Brookwood Investments, a partnership in the Corporation, answered general questions of Council relative to the responsibilities of the Board of Directors.

Upon motion of Councilman Michael, seconded by Councilwoman Price, Resolution No. 79-261 was unanimously adopted.

Complete text of Resolution No. 79-261 will be found in Resolution Book No. 11 at page 373.

LETTER FROM HELEN B. ZAGEIR - REGARDING PROPERTY ON SOUTH LEXINGTON AVENUE

The City Manager said the City has been interested in the right-of-way in this area for the widening of the sidewalks for many years. He requested direction from the Council concerning this matter.

Councilman Rainey, objecting to the method by which this is brought before Council, said in his opinion Council should not take action on matters of this nature without first putting them on the published agenda. He said other businesses, as well as those interested in Historical Preservation, are interested in this matter and should be given an opportunity to voice their opinion before Council makes a decision.

The City Manager said it is not the intention of the City to encourage the demolition of the building, but to merely accept the right-of-way provided the buildings are demolished. He asked Council for a motion of intent to accept the offer under the conditions provided for in the letter so he could notify Mrs. Zageir.

Councilman Morris moved that the City accept Mrs. Zageir's offer. This motion was seconded by Vice Mayor Horton, which motion carried with Councilman Rainey voting "No."

Councilman Rainey requested that the Planning Director furnish Council with the opposition expressed in the demolition of the buildings in this area.

AFFIRMATIVE ACTION - STATUS REPORT

22. Sam Graves, Director of Employee Services, presented Council with a status report of the City of Asheville's Affirmative Action Program. He highlighted the report for the benefit of Council.

Councilman Michael noted that the report is essentially unchanged from the last report in that 80% of the minorities, including women, on the City payroll still make less than \$12,000 per year. He said he felt the City should move forward with the Affirmative Action Program.

PETITION REQUESTING ANNEXATION

PETITION FOR ANNEXATION - NEW LEICESTER HIGHWAY NEAR CAMELOT SUBDIVISION

Date: November 16, 1979

23. The City Manager presented the following petition requesting annexation:

TO THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA

1. The undersigned owner of real property respectfully requests that the area described in paragraph 2 below be annexed to the City of Asheville, North Carolina.
2. The area to be annexed is contiguous to the City of Asheville and the boundaries of such territory are as follows:



ASHEVILLE
REVITALIZATION
COMMISSION

P.O. BOX 7148, ASHEVILLE, NC 28807 (704-255-5432)

November 27, 1979

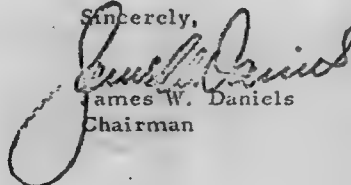
Honorable Mayor and
Members of Council

The Asheville Revitalization Commission has voted by telephone on the single question of whether or not the city should participate in the demolition of the building at 22 Patton Avenue for the purpose of widening South Lexington Avenue and adding adequate sidewalk and guttering.

The vote was 9 yes, one no. From the vote, it is apparent that the Commission feels that it is vital that adequate traffic routes be implemented throughout downtown. The Commission further feels it would be important to remove the building at the same time that the rest of that block is demolished for cost effectiveness.

It is our hope that Council will move quickly to secure this necessary improvement.

Sincerely,



James W. Daniels
Chairman

JWD:gb

ASHEVILLE ... RENAISSANCE OF THE BEAUTIFUL CITY

Mayor Trantham referred the petition to the Planning and Zoning Commission for study and recommendation.

CLAIMS - MS. MYRTLE BELL STAFFON - ELWOOD B. MILES - MR. AND MRS. DEWEY PATTON - MS. MARY DEVERS - MR. LLOYD E. BECKWITH - DANIEL JOSEPH LEPORE - CHARLES EARL McALLISTER

24. The City Manager presented claims against the City from the following individuals:

Ms. Myrtle Bell Staffon
Elwood B. Miles
Mr. and Mrs. Dewey Patton
Ms. Mary Devers
Mr. Lloyd E. Beckwith
Daniel Joseph Lepore
Charles Earl McAllister

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - CIVIL AIR PATROL WEEK - DECEMBER 3, 1979

Mayor Trantham proclaimed the week of December 3, 1979 as Civil Air Patrol Week.

APPEAL FROM HELEN R. ARENDALE - RE: BOARD OF TRUSTEES OF ASHEVILLE POLICEMEN'S PENSION

The City Manager presented an appeal received from Helen R. Arendale appealing a decision by the Board of Trustees of the Asheville Policemen's Pension.

Mayor Trantham referred the appeal to the Corporation Counsel for review and a recommendation on a date to hear the appeal.

RALPH BISHOP - COMMENTS RE: POLICE DEPARTMENT

Mr. Ralph Bishop said he would like to commend Councilman Rainey on his unsuccessful attempt to clean up the corrupt Asheville Police Department. He said Councilman Rainey will be greatly missed by the honest citizens of Asheville.

Adjournment.

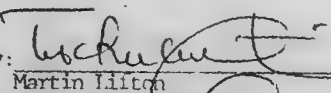
Neely M. Trantham
MAYOR

William S. Hester
CITY CLERK

BEGINNING at a concrete monument in the northern right-of-way of the New Leicester Highway, said monument being the southwestern-most corner of the property conveyed to The Ervin Company by Charles P. Grimes and wife by deed dated November 3, 1972 recorded in Deed Book 1071, at page 437 in the Office of the Register of Deeds for Buncombe County, North Carolina and said monument being also in the eastern line of the Camelot Subdivision at the point where the said line intersects with the northern margin of the said New Leicester Highway and running thence with the eastern line of the Camelot Subdivision North 05° 41' 40" East 266.04 feet to a stake; thence North 05° 41' 40" East 1,029.75 feet to a stake, the point and place of Beginning. Running thence from said point and place of Beginning along the eastern line of the Camelot Subdivision North 05° 41' 40" East 836.43 feet to a stake; running thence South 84° 00' 38" East 1,208.62 feet to a stake; running thence South 07° 07' 25" West 297.43 feet to a stake in the northern property line of Asheville Citizen-Times Publishing Company property; running thence with the northern line of said Asheville Citizen-Times Publishing Company property North 82° 12' 07" West 303.44 feet to a stake; continuing thence with the northwesterly property line of Asheville Citizen-Times Publishing Company property South 45° 29' 32" West 330.47 feet to a stake; running thence with the westerly property line of said Asheville Citizen-Times Publishing Company property South 02° 50' 42" West 290.81 feet to a stake, said stake being also the northeasterly corner of other property of The Ervin Company known as The Meadows-I; running thence North 84° 16' 38" West 800.36 feet to the point and place of Beginning; the property thus described being a portion of the property conveyed to The Ervin Company by Charles P. Grimes and wife by deed dated November 3, 1972 and being that property of The Ervin Company as shown on a plat designated The Meadows-II, recorded in Plat Book 41, at page 23, in the Buncombe County, North Carolina Registry.

MARIFTEA COBB APTS. CO., a New York
limited partnership

By:


Martin Hilton
41 East 42nd Street
Suite 1510
New York, New York 10017

RESOLUTION NO. 79-262 - RESOLUTION OF APPRECIATION TO BILL B. HORTON

3. Consideration was given to a resolution of appreciation to Bill B. Horton.

Councilwoman Price read the resolution and moved for the adoption of the resolution. This motion was seconded by Councilman Brownlee and carried unanimously.

Complete text of Resolution No. 79-262 will be found in Resolution Book No. 11 at page 374.

Mayor Trantham presented Bill B. Horton with a copy of the Resolution of appreciation and a plaque. Assistant City Manager William F. Wolcott presented Mr. Horton with his name plate.

Mr. Horton made a brief acceptance speech. He also presented the Council members with statistics which he said showed city residents pay a disproportionate share of the costs of running the county school system.

RESOLUTION NO. 79-263 - RESOLUTION OF APPRECIATION TO DR. OTIS B. MICHAEL

4. Consideration was given to a resolution of appreciation to Dr. Otis B. Michael.

Vice-Mayor Morris read the resolution and moved for the adoption of the resolution. This motion was seconded by Councilman Wilkes and carried unanimously.

Complete text of Resolution No. 79-263 will be found in Resolution Book No. 11 at page 375.

Mayor Trantham presented Dr. Otis B. Michael with a copy of the Resolution of appreciation and a plaque. Assistant City Manager William F. Wolcott presented Dr. Michael with his name plate.

Dr. Michael made a brief acceptance speech.

RESOLUTION NO. 79-264 - RESOLUTION OF APPRECIATION TO GENE E. RAINEY

5. Consideration was given to a resolution of appreciation to Gene E. Rainey.

Councilman Cole read the resolution and moved for the adoption of the resolution. This motion was seconded by Councilman Boland and carried unanimously.

Complete text of Resolution No. 79-264 will be found in Resolution Book No. 11 at page 376.

Mayor Trantham presented Gene E. Rainey with a copy of the Resolution of appreciation and a plaque. Assistant City Manager William F. Wolcott, Jr., presented Dr. Rainey with his name plate.

Dr. Rainey made a brief acceptance speech.

Thursday - December 6, 1979 - 4:00 p. m.

Organizational Meeting

INVOCATION

The invocation was given by Rev. Jim Tucker, Chaplain of the Asheville Police Department and pastor of the Morningside Baptist Church.

OATHS OF OFFICE

The members of the Council took the oath of office individually, which oath was administered by Judge William Styles, District Court Judge of the 28th Judicial District. The oaths were administered as follows:

Ralph D. Morris, Jr.
H. C. Wilkes
Harold F. Brownlee
Roy M. Trantham
Norma T. Price
F. Jack Cole
Walter R. Bolland

ELECTION OF THE MAYOR

1. Mayor Trantham, acting as Chairman of the Organizational Meeting, opened the floor for nominations of Mayor of the City of Asheville.

Councilman F. Jack Cole nominated Roy M. Trantham as Mayor of the City of Asheville.

Councilman Wilkes moved that the nominations be closed. This motion was seconded by Councilman Brownlee, which motion carried unanimously.

Roy M. Trantham was unanimously elected as Mayor of the City of Asheville.

ELECTION OF THE VICE-MAYOR

2. Mayor Trantham then opened the floor for nominations of Vice-Mayor of the City of Asheville.

Councilman Wilkes nominated Ralph D. Morris, Jr., as Vice-Mayor of the City of Asheville.

Councilman Cole, before supporting the nomination of Councilman Morris as Vice-Mayor, briefly commented on the qualifications of Councilwoman Price and himself to fill the office of Vice-Mayor. He concluded by lending his wholehearted support to the nomination of Councilman Morris as Vice-Mayor.

Councilwoman Price moved that the nominations be closed. This motion was seconded by Councilman Brownlee and carried unanimously.

Ralph D. Morris, Jr. was unanimously elected as Vice-Mayor of the City of Asheville.

Complete text of Resolution No. 79-268 will be found in Resolution Book
No. 11 at page 381.

Mayor Trantham adjourned the Organizational Meeting and called for a
five (5) minute recess before opening the regular meeting of December 6, 1979.

Adjournment.

Ray M. Lamm William F. McCall
MAYOR CITY CLERK

RESOLUTION NO. 79-265 - RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL

6. Consideration was given to a resolution prescribing the time and day of the weekly meeting of the City Council.

The City Manager read the resolution prescribing Thursday at 4:00 o'clock p. m. as the regular meeting time of the Asheville City Council.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 79-265 was unanimously adopted.

Complete text of Resolution No. 79-265 will be found in Resolution Book No. 11 at page 377.

RESOLUTION NO. 79-266 - RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

7. Consideration was given to a resolution designating banking depositories for city funds.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 79-266 was unanimously adopted.

Complete text of Resolution No. 79-266 will be found in Resolution Book No. 11 at page 378.

RESOLUTION NO. 79-267 - RESOLUTION DESIGNATING THE OFFICERS AND EMPLOYEES WHO SHALL GIVE BONDS SECURING THE FAITHFUL PERFORMANCE OF THEIR DUTIES AND SETTING AMOUNTS THEREOF

8. Consideration was given to a resolution designating the officers and employees who shall give bonds securing the faithful performance of their duties and setting amounts thereof.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 79-267 was unanimously adopted.

Complete text of Resolution No. 79-267 will be found in Resolution Book No. 11 at page 379.

RESOLUTION NO. 79-268 - RESOLUTION COVERING APPOINTIVE OFFICIALS OF THE CITY OF ASHEVILLE

9. Consideration was given to a resolution covering appointive officials of the City of Asheville to wit: Kenneth M. Michalove, City Manager; William C. Moore, Corporation Counsel; and William F. Wolcott, Jr., City Clerk.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 79-268 was unanimously adopted.

be allowed in any and all residential zoning districts of the City of Asheville. The Commission voted to recommend that "Family Care Homes" as well as "Group Homes for the Developmentally Disabled Adults" be allowed as Conditional Uses in all residential zoning districts and in the Office Institutional District. He said a public hearing was held on the matter on October 18, 1979 and again on November 15, 1979, at which time opposition was received relative to the amendment to include "Group Homes for the Developmentally Disabled Adults." He said no opposition was received relative to the inclusion of "Family Care Homes" as Conditional Uses. It was decided, by Council, that the two issues should be separated for Council action and a public hearing was scheduled to consider the issue on "Family Care Homes." He said at the public hearing discussion was held relative to the standards for the minimum lot size for Family Care Homes. He said Council asked for several alternatives to consider relative to the minimum lot size. He presented the following alternatives:

Alternative #1 - Present Proposal from Planning and Zoning Commission

That the minimum lot size for Family Care Homes be the same as the nonresidential requirements for the district in which they are located.

R-1 - 40,000 sq. ft.	R-4 - 10,000 sq. ft.
R-2 - 40,000 sq. ft.	R-5 - 12,000 sq. ft.
R-3 - 20,000 sq. ft.	O-I - 8,000 sq. ft.

Alternative #2

The minimum site size shall be no less than the minimum lot size for residential use for the specific zoning district, plus an additional 2,500 square feet for each resident housed in the facility.

Example: Location: R-2 Residential District
Size of Facility: 5 residents

$$10,000 + (2,500 \times 5) = 22,500 \text{ sq. ft.}$$

Alternative #3

The minimum site size shall be no less than the minimum lot size for the residential use for the specific zoning district with an additional 2,500 square feet for each resident in excess of one.

Example: Location: R-2 Residential District
Size of Facility: 5 residents

$$10,000 + (2,500 \times 4) = 20,000 \text{ sq. ft.}$$

Mr. Emrick noted that the standards are only guidelines as a conditional use must be approved by the Board of Adjustments. He said the Board could increase the lot size in order to preserve the general neighborhood.

Attorney John Powell, representing Mrs. Mildred Graham, spoke in support of the ordinance. He requested that Council adopt Alternative #2 relative to the minimum lot size.

Ms. Klee Scott Wright of 35 Beaver Valley, said in her opinion, the homes should be on no less than one acre of land. She cited such things as parking, recreation and buffering as a need for the additional land.

Mayor Trantham closed the public hearing at 5:32 p. m.

Thursday - December 6, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 29, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the November 29, 1979 meeting were approved as submitted.

PUBLIC HEARING - ANNEXATION OF THE AREA KNOWN AS REGENT PARK

2. A public hearing was held relative to the annexation of the area known as Regent Park.

Mayor Trantham opened the public hearing at 5:05 p. m.

Verl Emrick, Planning Director, presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick said he had received, in writing a letter from Talmage Penland, of Penland and Barden, attorney representing Universal Investment Corporation, owner of property in the Regent Park area, requesting that the public hearing be continued for one week in order to give them an opportunity to be present at the hearing. The owner of the property and their attorney had prior commitments out of town on December 6, 1979 and could not attend the meeting.

Vice-Mayor Morris moved to continue the public hearing relative to the annexation of the area known as Regent Park until December 13, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - AMENDING ZONING ORDINANCE TO INCLUDE "FAMILY CARE HOMES" AS CONDITIONAL USES

ORDINANCE NO. 1146 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to amending the Zoning Ordinance to include "Family Care Homes" as a Conditional Use.

Mayor Trantham opened the public hearing at 5:17 p. m.

Verl Emrick, Planning Director, in explaining the background of the matter, said the Planning and Zoning Commission at its meeting on September 5, 1979 considered the request of Mrs. Mildred Graham by Attorney John Powell that "Family Care Homes"

RESOLUTION NO. 79-270 - RESOLUTION DECLARING DECEMBER 24TH, 25TH AND 26TH, OF 1979, AND JANUARY 1ST, FEBRUARY 18TH, APRIL 7TH, JULY 4TH, SEPTEMBER 1ST, AND NOVEMBER 28TH, 1980 AS FREE PARKING DAYS FOR DOWNTOWN ASHEVILLE

6. Consideration was given to a resolution declaring December 24th, 25th, and 26th, 1979, and January 1st, February 18th, April 7th, July 4th, September 1st, and November 28th, 1980 as Free Parking Days for Downtown Asheville.

The City Manager read the resolution and explained that it has been customary for the City to declare free parking days during certain holidays each year. He said this resolution will provide for no charges for parking in any on-street metered parking space, in any metered or un-metered parking space in a City Parking Lot, or for daily parking in any space in the Downtown Parking Garage from 7:00 A. M. to 6:00 P. M. on the above mentioned days.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, Resolution No. 79-270 was unanimously adopted.

Complete text of Resolution No. 79-270 will be found in Resolution Book No. 11 at page 383.

RESCHEDULING OF PUBLIC HEARING - AMENDMENTS TO HOUSING CODE.

7. Consideration was given to a motion rescheduling a public hearing for the adoption of an ordinance relating to amendments to Chapter 8, Article II of the Code of Ordinances, known as the Housing Code for January 10, 1980.

The City Manager said the Certificate of Occupancy and Housing Study Committee has recommended changes in the Housing Code and a public hearing was scheduled on this matter for January 3, 1980, however, due to the holiday Council meeting schedule it is necessary to reschedule this hearing for January 10, 1980.

Councilman Cole moved to reschedule the public hearing for the adoption of an ordinance relating to amendments to Chapter 8, Article II of the Code of Ordinances, known as the Housing Code for January 10, 1980. This motion was seconded by Councilwoman Price and carried unanimously.

ANNOUNCEMENT OF COUNCIL MEETINGS - DECEMBER 27, 1979 AND JANUARY 3, 1980 -NO MEETING

8. Vice-Mayor Morris announced that due to the holiday schedule there will be no City Council meetings on December 27, 1979 and January 3, 1980.

RALPH BISHOP - LOTTERY SALES - ASHEVILLE POLICE DEPARTMENT

9. Ralph Bishop spoke to Council relative to the lottery sales in the City of Asheville and the corrupt Asheville Police Department. He requested a verbatim transcript of his statement to Council at this meeting.

Adjournment.

Ralph Bishop
MAYOR

William J. McCullough
CITY CLERK

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1146. This motion was seconded by Councilman Cole.

After discussion, Vice-Mayor Morris moved to amend Ordinance No. 1146 to include Alternative #3 relative to the minimum lot size. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1146, as amended, passed on first reading.

RESOLUTION NO. 79-269 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

4. Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution and explained that the City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of One Hundred Dollars (\$100.) shall be made by the Director of Finance unless direction be made by the Council by resolution. The Asheville Transit Authority is in possession of two 1970 model Chevrolet automobiles and one Atlas metal lathe which is old, worn out and suitable only for sale as junk. Four bids have been received on each of these pieces of equipment and this resolution will authorize the Director of Finance to sell the equipment to the highest bidder.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 79-269 was unanimously adopted.

Complete text of Resolution No. 79-269 will be found in Resolution Book No. 11 at page 382.

Mayor Trantham asked to be excused from the meeting at 5:50 p. m., at which time Vice-Mayor Morris presided over the meeting.

APPROVAL OF SIGN PERMIT - FEDERAL SIGN COMPANY - CIVIC CENTER MOTEL SIGN

5. Consideration was given to the approval of a sign permit for Federal Sign Company.

The City Manager said Federal Sign Company has requested approval for construction of a sign to be located at 37 Hiwassee Street for the Civic Center Motel. He said this sign requires the approval of the City Council pursuant to the Zoning Ordinance in that the sign will be situated within 600' of the Asheville Expressway. He said he had received a request from Quality Forward that action on this matter be delayed for one week.

After discussion, Councilwoman Price moved to delay action on the sign permit for Federal Sign Company until December 13, 1979. This motion was seconded by Councilman Cole and carried unanimously.

Mr. John Powell, Attorney for the Buncombe County Family Care Homes, said he concurred in Council's action and offered to assist with the tour.

PUBLIC HEARING - RATE INCREASE FOR THOMS CABLEVISION

ORDINANCE NO. 1147 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

3. A public hearing was held relative to a request from Thoms Cablevision for a rate increase.

Mayor Trantham opened the public hearing at 4:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Max Cogburn, Attorney for Thoms Cablevision, said in November, 1977, Council granted Thoms Cablevision permission to increase its rates and at the same time Council amended the Franchise Ordinance to provide that "Each 18 months the Grantee may make application for an increase in rates by that amount which would be calculated by taking that percentage of the monthly service charge by which the National Consumer Price Index, as published by the Bureau of Labor Statistics, has increased during the 12-month period immediately preceding the end of said 18-month period, and adding the resulting figure to the prior monthly service charge. Each such rate increase shall be subject to the approval of the City Council of the City of Asheville." He said Thoms Broadcasting is requesting an increase of 11.3% which is the amount quoted in the National Consumer Price Index during the past twelve months.

At the request of Councilwoman Price, Mr. Cogburn explained why he did not stay within the President's Guidelines of Increase of 7%. He said Thoms Cablevision does not get an increase every time the National Consumer Price Index goes up and they can only apply for a rate increase every 18 months and it has been 2 years since Thoms Cablevision requested a rate increase.

Councilman Boland said he felt another method of arriving at a rate increase amount would be better than the National Consumer Price Index because it is such a general measure. He said it should be specified to the specific service delivered.

John Jerosé, of Thoms Cablevision, said they give the best service and coverage in North Carolina and in order to do so their rates must be increased. He showed a map which showed the coverage in the City stating that 89% of the City is now covered and it is anticipated that by the end of 1980 97% or 98% of the City would be covered. He said his company needs to make a fair profit for the money invested.

After discussion, the public hearing was closed at 5:16 p. m.

The City Manager read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1147. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 7-0, Ordinance No. 1147 passed on first reading.

Thursday - December 13, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 6, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the December 6, 1979 meeting were approved as submitted.

ORDINANCE NO. 1146 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Including Family Care Homes as Conditional Uses in all residential zoning districts and in the Office Institutional District)

2. Consideration was given to the second reading of Ordinance No. 1146, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, including Family Care Homes as Conditional Uses in all residential zoning districts and in the Office Institutional District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Mr. Rose, of the Buncombe County Department of Social Services, said he supervises the licensing of Family Care Homes for the North Carolina Department of Human Resources. He answered general questions of members of Council relative to the monthly and annual inspections of the homes, the placement of residents in the homes, and the amounts paid by the residents. He said he did not feel an excessive amount of land was needed for a family care home, no more than normally needed for any residence. He said the home should be in a normal setting rather than an institutional setting.

At the request of Councilwoman Price, Mr. Rose said he would take the Councilmembers on a tour of the homes.

After discussion, Councilwoman Price moved to table action on the second reading of Ordinance No. 1146 until Council has an opportunity to tour the family care homes. This motion was seconded by Councilman Cole and carried unanimously.

Vice-Mayor Morris requested that the Planning Department review an amendment to the ordinance to provide spacing between the homes. He suggested a 1,000 ft. distance between the homes.

John Stevens, Attorney for Appalachian Hall, Inc., described the area by the use of a map. He said they were requesting the rezoning to allow the establishment to become a permitted use in the Office Institutional District instead of a nonconforming use in the R-3 Residential District. He said this would be of benefit if part of the facility was destroyed by fire or long term financing was needed. He requested Council's approval of the request.

After discussion, Mayor Trantham closed the public hearing at 5:40 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1148. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1148 passed on first reading.

PUBLIC HEARING - TENNESSEE VALLEY AUTHORITY FLOOD MAPS AND REPORT

RESOLUTION NO. 79-271 - RESOLUTION AUTHORIZING THE PREPARATION OF AN ORDINANCE CONTROLLING DEVELOPMENT WITHIN THE FLOOD PRONE AREAS OF THE CITY OF ASHEVILLE

6. A public hearing was held relative to the Tennessee Valley Authority Flood Maps and Report.

Mayor Trantham opened the public hearing at 5:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the National Insurance Association, sponsored through HUD, a flood insurance program which the City must participate in. He said the Tennessee Valley Authority conducted a flood study to determine the boundaries of the floodway area. He said the City is now required to pass an ordinance to set forth regulations for construction in the floodway zone within six months. He said it is mandatory for the City to set forth the regulations for construction. He said serious questions have been raised relative to the accuracy of the maps prepared by TVA. He said specific engineering data would be required to determine the accuracy of the maps. He then read the resolution and said the accuracy of the maps will be addressed during the time the ordinance is being prepared.

Mayor Trantham closed the public hearing at 5:55 p. m.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 79-271 was unanimously adopted.

Complete text of Resolution No. 79-271 will be found in Resolution Book No. 11 at page 384.

PUBLIC HEARING - GROUP DEVELOPMENT PLAN - DeBALL-GIRMES COMPANY

4. A public hearing was held relative to the site plan of a proposed warehouse addition to the DeBall-Girmes Company located on Charlotte Highway.

Mayor Trantham opened the public hearing at 5:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at a meeting held on November 7, 1979, reviewed the site plan of a proposed warehouse addition to the DeBall-Girmes Company located on Charlotte Highway. He said the plan was prepared by Boone: Hunton Associates and submitted in accordance with Article 6, Group Development Section of the Asheville Zoning Ordinance. He said the Commission, after review and discussion, voted unanimously to recommend approval of the site plan to City Council. He said the property owners wish to construct a 30,600 square foot warehouse to their existing facility. There is adequate water and sewer and grade level of land will not be changed to any great extent.

After discussion, Mayor Trantham closed the public hearing at 5:25 p. m.

Councilwoman Price moved for the approval of the site plan of a proposed warehouse addition to the DeBall-Girmes Company located on Charlotte Highway. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - REZONING OF PROPERTY ON CALEDONIA ROAD FOR ASHEVILLE HOLDING COMPANY AND APPALACHIAN HALL, INC.

ORDINANCE NO. 1148 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to the rezoning of property on Caledonia Road for Asheville Holding Company and Appalachian Hall, Inc.

Mayor Trantham opened the public hearing at 5:26 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held on November 7, 1979 considered the request of Attorney John Stevens for Asheville Holding Company and Appalachian Hall, Inc. that Ward 8, Sheet 1, Lots 27 and 34, and Ward 8, Sheet 2, Lot 32, be rezoned from R-3 Residential District to OI Office Institutional District. He said after discussion, the Commission voted to recommend to City Council that the petition be approved with the exception of a small portion (50' x 100') of Lot 27 (which fronts on Swannanoa River Road) and that it remain zoned HI Heavy Industrial District. He said the property owners request the rezoning of their property from R-3 Medium Density Residential District to OI Office Institutional District to allow their establishment to become a permitted use in the OI Office Institutional District instead of a nonconforming use in the R-3 Residential District.

Mr. Clayton Parris, Code Enforcement Officer in the Inspections Division, said he had inspected 12 Stephens Hill Road on numerous occasions, including today, and found the premises to be a sanitary nuisance on each inspection. He answered questions of the Corporation Counsel.

Mr. Eric Emery of the Buncombe County Health Department, also answered questions of the Corporation Counsel. He said the garbage is about 1 and 1/2 foot thick in an area approximately 20 x 30 feet on the premises and scattered garbage is found elsewhere on the property. He said the garbage consists of milk cartons, clothes, food cartons, etc. He said the premises is an eyesore and a nuisance to the neighborhood.

Mayor Trantham said he had received numerous complaints about the condition at 12 Stephens Hill Road. He said he had inspected the premises and found it to be a sanitary nuisance. He said the gentleman who lives there is and always will be uncooperative in cleaning it up.

Corporation Counsel Moore read Section 253 of the City Charter which explained what action Council could take on the matter.

After discussion, Councilwoman Price moved to direct the Corporation Counsel and the Building Inspector to proceed with action to abate the sanitary nuisance at 12 Stephens Hill Road on a continuous basis, after 10 days notice to the owner of 12 Stephens Hill Road. This motion was seconded by Councilman Cole and carried unanimously.

REPORT FROM BUILDING INSPECTOR - 230 MONTFORD AVENUE - ORDINANCE NO. 1129

9. J. E. Johnson, Chief Building Inspector, said he was directed to report the following facts relative to 230 Montford Avenue at this meeting in order for Council to decide whether to rescind Ordinance No. 1129 or to continue with the enforcement of same. He said a payment of \$50.00 on taxes was made in March of 1979 and another \$50.00 in May, 1979. He said there is \$2,051.96 due on back taxes for 230 Montford Avenue. He said no information is available as to whether a valid contract has been made with a contractor to bring the house up to code standards and about three (3) gallons of paint have been put on the columns of the house which is peeling because the columns were not scraped. He said no other improvements have been made to the house.

Joe Morris, Building Inspector, said he has inspected 230 Montford every other day since October 24, 1979 and no work has been done on the house. He said the premises is cluttered and there are no signs of any cleaning up.

Max Cogburn, Attorney for the Mrs. Edith Bryan, owner of 230 Montford Avenue, said Mrs. Bryan has tried to cooperate with the City in cleaning up and repairing her property but has not succeeded. He said he would suggest to Mrs. Bryan that she sell the property if she can not repair it.

Councilman Wilkes was excused from the meeting at 6:45 p. m.

Bob Hipps, spoke on behalf of Mrs. Bryan, and requested that Council give her more time to repair her house.

243

CONTINUATION OF PUBLIC HEARING - ANNEXATION OF AREA KNOWN AS REGENT PARK

7. A public hearing was continued relative to the annexation of the area known as Regent Park.

Verl Emrick, Planning Director, said the hearing was continued from the December 6, 1979 meeting at the request of the property owner.

Talmage Penland, Attorney, representing Universal Investment Corporation, owner of the area proposed to be rezoned, said the timing of the annexation places an extreme burden on the property owner. He said the owner leases property in the area and the leases were negotiated by the fact that the property was subject only to county taxes. He said this area is in the process of being developed. He called the annexation "spot annexing" which he said in his opinion is not in the spirit or letter of the law. He said all the area proposed to be annexed belongs to Universal Investment Corporation and Council is annexing one person's property for tax revenues. He said the annexation should be done at a more appropriate time. He said the annexation in his opinion is discriminatory because it only involves one property owner.

Mr. Penland cited sections of the N. C. G. S. 160A-40A, particularly subsections (c) and (d) and stated in his opinion the area proposed to be annexed does not meet the requirements for annexation and every part of the area must meet all the requirements. He urged Council to take these facts into consideration. He said the area is one lot and has never been subdivided. He said this particular statute provides for the prevention of "spot annexing." He said at a later date his client could petition the City to annex their property and avoid the requirements cited in the statutes. He said the annexation would be detrimental to the property owner at this time.

Upon inquiry of Vice-Mayor Morris, Mr. Penland said he could not, at this time, say that his client would petition the City to annex the property a year from now.

Mr. Emrick suggested that Council continue the public hearing until he and the Corporation Counsel could discuss the legal arguments presented by Mr. Penland.

After discussion, Councilwoman Price moved to continue the public hearing until December 20, 1979. This motion was seconded by Vice-Mayor Morris and carried unanimously.

12 STEPHENS HILL ROAD - DECLARED SANITARY NUISANCE

8. J. E. Johnson, Chief Building Inspector, said his department has found that 32 Stephens Hill Road is a sanitary nuisance. He requested that Council take action pursuant to the City Charter, Section 253, Nuisances. He said certified registered letters were sent to all parties involved that Council would consider action on the matter at this meeting. He said a notice was also placed on the door of 12 Stephens Hill Road.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1108, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 79-273 - Resolution authorizing the Mayor to enter into a contract, on behalf of the City of Asheville, with the Mayhew Corporation to furnish and install doors on the bus storage shed for the Asheville Transit Authority.

HIGHLIGHTS: Bids were received on the above project on November 27, 1979, and Mayhew Corporation was the low bidder in the amount of \$26,200. Funding: UMTA Capital Grant Project No. NC-03-0006; Account Code 65-25-917-0-863-0073. Maintenance Facility Renovation Budgeted \$31,500.

Resolution Book No. 11 Page 386

- B. Resolution No. 79-274 - Resolution authorizing the Mayor to enter into a contract with the North Carolina Department of Transportation in support of Project 80-P-01.

HIGHLIGHTS: The execution of this contract with the North Carolina Department of Transportation will provide fifty percent of the local funds required to support Asheville's Technical Studies Grant project. Total funding from the State amounts to \$2,250. Federal funding for this project, UMTA NC-09-0051, in the amount of \$18,000 has been approved and contract executed.

Resolution Book No. 11 Page 387

- C. Approval of bids received December 3, 1979 for ten (10) vehicles for Police Department.

HIGHLIGHTS: Two (2) responsive bids were received. Recommendation of acceptance of lowest bid price submitted by Apple Tree Chevrolet, Inc. in the amount of \$4,998.12 each. Total bid: \$49,981.20. Funding: Revenue Sharing Trust Fund, Capital Outlay Equipment, Police Vehicles, Account Code 50-460.0074 budgeted \$54,790.00.

- D. Scheduling of a public hearing relative to rezoning property at Patton and Pearl Streets for January 10, 1980.

HIGHLIGHTS: Planning and Zoning Commission at a meeting held December 5, 1979 considered the request of Mr. Harold Talbert that property at the corner of Patton and Pearl Streets be rezoned from CR Commercial

345

After discussion, Councilwoman Price moved to extend the effective date of Ordinance No. 1129 from December 2, 1979 to January 11, 1980 giving the property owner 30 additional days to either sell the property or repair the house, at which time the Building Inspector shall proceed with the enforcement of the ordinance. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF SIGN PERMIT - FEDERAL SIGN COMPANY - CIVIC CENTER MOTEL

10. Consideration was given to the approval of a sign permit for Federal Sign Company for a sign for the Civic Center Motel.

J. E. Johnson, Chief Building Inspector, said Federal Sign Company has requested approval for construction of a sign to be located at 37 Hiwassee Street for the Civic Center Motel. He said pursuant to the Zoning Ordinance, the sign must be approved by Council because it will be situated within 600' of the Asheville Expressway. He said this sign was discussed during the meeting of December 6, 1979 but action was postponed giving Council members an opportunity to look at the location.

After discussion, Vice-Mayor Morris moved to defer action on the sign permit until a representative of Federal Sign Company and/or the property owner is present at the meeting to discuss the permit. This motion was seconded by Councilman Boland and carried unanimously.

The City Clerk was instructed to notify the office of Quality Forward when the matter was placed on the agenda for discussion.

RESOLUTION NO. 79-272 - RESOLUTION TO MAKE THE DOWNTOWN MORE PLEASANT AND INTERESTING PLACE TO VISIT (Supporting Musical groups "Going Baroque" and Hill Street Baptist Church Youth and Young Adult Choir")

11. Consideration was given to a resolution to make the downtown more pleasant and interesting place to visit by supporting a group of musicians called "Going Baroque" and the Hill Street Baptist Church Youth and Young Adult Choir, who will hold a concert in the Federal Arcade Building on December 20, 1979 at 7:30 p. m.

Councilman Boland read the resolution.

Upon motion of Councilman Boland, seconded by Vice-Mayor Morris, Resolution No. 79-272 was unanimously adopted.

Complete text of Resolution No. 79-272 will be found in Resolution Book No. 11 at page 385.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

RESOLUTION NO. 79-277 - RESOLUTION DEMANDING THE RELEASE OF AMERICAN DIPLOMATS IN IRAN

13. Consideration was given to a resolution demanding the release of American diplomats in Iran.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 79-277 was unanimously adopted.

Complete text of Resolution No. 79-277 will be found in Resolution Book No. 11 at page 390.

Councilwoman Price requested that a copy of the resolution be sent to the Iran Embassy and the appropriate state representative.

RESOLUTION NO. 79-278 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-31 (Marietta Cobb Apartments Company - Request for Annexation)

14. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S. 160A-31 relative to the request for annexation by the Marietta Cobb Apartments Company, property located off Leicester Highway.

Verl Emrick, Planning Director, said Council received a petition from the Marietta Cobb Apartments Company to annex their property into the City Limits. He said the property consists of about 17 acres and presently has a tax value of \$86,410, however an apartment complex is proposed for the area which would increase the tax value.

Mr. Emrick read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 79-278 was unanimously adopted.

Complete text of Resolution No. 79-278 will be found in Resolution Book No. 11 at page 391.

Verl Emrick, Planning Director, said the Planning Department investigated the petition and found the petition to be in order.

The City Clerk then signed the certificate of sufficiency of the petition of Marietta Cobb Apartments Company to be annexed into the City Limits.

Vice-Mayor Morris moved to schedule a public hearing relative to the annexation of the Marietta Cobb Apartments off Leicester Highway for January 17, 1979. This motion was seconded by Councilwoman Price and carried unanimously.

D. (cont'd) Regional District to CS Commercial Service District. After discussing the issues and reviewing a recommendation of denial from the Asheville Revitalization Commission, the Commission voted to recommend that the property be rezoned as petitioned.

E. Resolution No. 79-275 - Resolution authorizing the City Manager to sign a contract for Management Consultant Services with the Management Improvement Corporation of America.

F. Approval of budget amendment amending the Fiscal Year 1979-80 Operating Budget of the City of Asheville.

HIGHLIGHTS: This will authorize the City Manager to enter into an agreement with MICA to perform certain management studies in the City's Public Works and Finance Departments. This money, in the amount of \$28,250, will be deposited for one year with MICA and will be refunded if all services and guaranteed savings are not realized.

Resolution Book No. 11 at page 388.

G. Resolution No. 79-276 - Resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.

H. Approval of budget amendment amending the Fiscal Year 1979-80 City of Asheville Operating Budget.

HIGHLIGHTS: This agreement with the Buncombe County Council on Aging will provide for transportation services for the elderly on a reimbursement/mileage basis at a rate of 45¢ per mile. The budget amendment will provide funding from the Buncombe County Council on Aging to operate the senior citizen van services. The budget amendment is in the amount of \$4,400.

Resolution Book No. 11 at page 389.

I. Approval of a budget amendment amending the Fiscal Year 1979-80 City of Asheville Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$2,115, will provide funding for an emergency replacement of the boiler at the Traffic Engineering Sign Shop.

J. Approval of a budget amendment amending the Fiscal Year 1979-80 City of Asheville Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$156,117, will recognize the City's contribution for Civic Center space contributed to the Art and Mineral Museum and Symphony Rehearsal Hall.

Thursday - December 20, 1979 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr. Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 13, 1979 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, the minutes of the December 13, 1979 meeting were approved as submitted.

APPEAL OF HELEN ARENDALE - RULING OF CITY OF ASHEVILLE POLICEMEN'S PENSION AND DISABILITY BOARD OF TRUSTEES

2. A hearing was held relative to the appeal of Helen R. Arendale relative to Board of Trustees ruling on benefit claim pursuant to the City of Asheville Policemen's Pension and Disability Fund.

Marvin P. Pope, Jr., attorney for Helen R. Arendale, said Mrs. Arendale, widow of Raymond Arendale, a former employee of the Asheville Police Department was awarded non-line of duty disability benefits at the time of her husband's death in 1974 after Mr. Arendale suffered a heart attack at his home. He said in March, 1979 Mrs. Arendale requested a change of status in benefits to line-of-duty disability benefits contending that the stress of the job brought on her husband's heart attack. He said the Board of Examiners heard Mrs. Arendale's request on several occasions and their final decision was to deny Mrs. Arendale a change in status. He said Mrs. Arendale then appealed to the Board of Trustees and they also denied her request. Therefore, Mrs. Arendale is now appealing the decision of the Board of Trustees to the City Council pursuant to Section 86 of the Charter Appendix - Related Laws.

Mr. Pope said Mr. Arendale had no prior medical problems before his heart attack and worked as a police officer since June, 1951 with no lapse of time in service. He said Mr. Arendale was under a great deal of stress in his job as a detective, working more than the normal 8 hour day. He said he and his client are convinced that the stress of Mr. Arendale's job had a lot to do with bringing on Mr. Arendale's heart attack. He said Mrs. Arendale should therefore, receive line-of-duty benefits.

Mr. Pope said Mrs. Arendale inquired of the Police Chief at the time of her husband's death as to what benefits she would be entitled to receive. He said she was denied access to a copy of the Pension Plan and accepted what the Police Chief said she would receive as correct. In March, 1979 she received a copy of the Pension Plan and found out that she was receiving less than she should receive.

RALPH BISHOP - LOTTERY PEDDLERS - RIGHT TO RECEIVE CITY RECORDS

Ralph Bishop again spoke to Council relative to the lottery sales in Asheville. He quoted several state laws relative to this subject. He also commented and quoted a state law that he had a right, as a citizen, to receive copies of city records and to pay for the copies as prescribed by law. He said Council has not set a fee for the copying of city records and yet he was asked to sign a statement, through Mr. Wolcott's secretary, that he would pay for a transcript of a Council meeting.

Adjournment. (7:40 p. m.)

Walter H. Hartsfield *William D. McCreary*
MAYOR CITY CLERK

CONTINUATION OF PUBLIC HEARING - ANNEXATION OF AREA KNOWN AS REGENT PARK

4. A public hearing was continued relative to the annexation of the area known as Regent Park.

Veryl Emrick, Planning Director, said the public hearing was continued from the December 13, 1979 meeting after attorneys for the property owner presented legal arguments. He said he had met with the Corporation Counsel and Mr. Talmage Penland, the attorney for the property owner, to discuss the legal arguments. He said Mr. Penland now has a proposal relative to the annexation.

Mr. Talmage Penland, attorney for Universal Investment Corporation, read the following letter:

December 20, 1979

Asheville City Council
City Hall
Asheville, North Carolina

RE: Annexation - Regent Park

Dear Council Members:

Since the City Council Meeting on December 13, 1979, at which time the proposed annexation of Regent Park was discussed, the undersigned has discussed the said annexation with City Attorney William C. Moore and Mr. Veryl Emrick with the Planning Board.

While we do not agree on everything, the problems arising from the proposed annexation may have been satisfactorily resolved.

By this letter and through the undersigned Counsel, the owner of Regent Park, Universal Investment Corporation, agrees to petition the City to annex Regent Park at a time on or before September 30, 1980, provided that the City agrees to assess no ad valorem taxes on said property prior to January, 1981. This proposal is made as a good faith offer to resolve any and all disputes and to accomplish the legitimate goals of both the City of Asheville and the property owner.

Respectfully submitted,

PENLAND & BARDEN

/s/ Talmage Penland

Talmage Penland

After discussion, Mayor Trantham closed the public hearing at 4:48 p. m.

Councilwoman Price moved that no action be taken on the annexation of the area known as Regent Park due to the letter received from Talmage Penland, attorney for Universal Investment Corporation, stating that the property owner will petition for annexation of Regent Park before September 30, 1980. This motion was seconded by Councilman Cole and carried unanimously.

Mr. Pope said, based upon his investigation into the Arendale case, he has determined that many other retired policemen, firemen and widows receive line-of-duty benefits for a lot less than an acute heart attack, such as back problems and diabetes. He said Mr. Arendale was eating breakfast, preparing to go to work, on the morning he had his heart attack. He said if it had been one or two hours later there would be no question as to the line-of-duty benefits.

Robert J. Robinson, Attorney for the Board of Trustees for the City of Asheville Policemen's Pension and Disability Fund, said the board gives a full review of each case brought before them. He said Mr. Pope had presented the facts and it is unfortunate that Mr. Arendale was not in a patrol car at the time of his heart attack, because that is the point under the disability provisions; that one must be in the line of duty when it occurs. He said the Board of Examiners made their determination that Mr. Arendale was not in the line of duty when his death occurred. He said as a matter of information, the Pension Plan is outlined and a part of the City Code and is available to the public at large. He said Council should affirm the judgement of the Board of Examiners and the Board of Trustees in this case.

After discussion, Vice-Mayor Morris moved to continue action on the appeal of Mrs. Arendale until January 10, 1980. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1149 - AN ORDINANCE AMENDING ORDINANCE NO. 965 ESTABLISHING A GRIEVANCE PROCEDURE FOR EMPLOYEES OF THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance amending Ordinance No. 965 establishing a grievance procedure for employees of the City of Asheville.

The City Manager read the ordinance explaining that the ordinance will amend Section 3(d) of the Grievance procedure by: 1) Generally cleaning up the language of the section; 2) Requiring that the appointing authority's decision on the grievance be placed in writing; and 3) Requiring that the employee submit a request in writing to the City Clerk's Office to have his grievance heard on appeal by the City Manager.

Councilwoman Price moved for the adoption of Ordinance No. 1149. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1149 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1149. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1149 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1149. This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1149 passed on third and final reading.

Complete text of Ordinance No. 1149 will be found in Ordinance Book No.

3.14

RESOLUTION NO. 79-279 - RESOLUTION APPROVING AND AMENDING THE CITY OF ASHEVILLE
COMMUNITY DEVELOPMENT INCENTIVE HOUSING PROGRAM

7. Consideration was given to a resolution approving and amending the City of Asheville Community Development Incentive Housing Program.

The City Manager read the resolution explaining that the amendment is to encourage the development of owner/occupied single family residential structures in the East Riverside Urban Renewal Area. He said this will enable individuals to take advantage of the Housing Incentive Program when they purchase a newly constructed dwelling from a developer.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 79-279 was unanimously adopted.

Complete text of Resolution No. 79-279 will be found in Resolution Book No. 11 at page 391.

APPROVAL OF THE SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECT -
DISPOSAL PARCELS 9, 15, 19, 21, 166 and 175

8. Consideration was given to the approval of the sale of Disposal Parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

PARCEL	REUSE	PRICE	BID	REDEVELOPER
9	Residential	2,800	3,451	Huntley Construction Company
15	Residential	3,000	3,350	Huntley Construction Company
19	Residential	2,300	2,301	James H. Murphy, et al
21	Residential	2,350	2,551	W. D. Metcalf Building Company
166	Residential	2,000	2,400	Huntley Construction Company
175	Residential	3,000	3,000	Albert E. Wooten, et ux

Councilman Cole moved for the approval of the sale of disposal parcels 9, 15, 19, 21, 166 and 175 in the East Riverside Renewal Project as tentatively accepted by the Housing Authority. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF SIGN PERMIT - J. M. SIGN COMPANY - 29 MONTFORD AVENUE

9. Consideration was given to the approval of a sign permit for J. M. Sign Company for a sign to be located at 29 Montford Avenue.

J. E. Johnson, Chief Building Inspector, said J. M. Sign Company has requested a sign permit for a wall sign to be located at 29 Montford Avenue to advertise Country Estates Realty. He said this sign will be situated closer than 600' of an expressway which requires the approval of Council pursuant to the Zoning Ordinance.

John Myers, of J. M. Sign Company, said the sign meets all specifications of the Zoning Ordinance and requested approval of the permit.

ORDINANCE NO. 1147 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

5. Consideration was given to the second reading of Ordinance No. 1147, an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Mr. John Jerosé of Thoms Broadcasting Companies, Inc., answered questions of members of Council relative to complaints in service, particularly in the Beaverdam area with bad reception.

Councilman Boland said he felt Thoms Broadcasting should present Council with a financial statement at some later date.

On a roll call vote of 6-0, Ordinance No. 1147 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1147.

On a roll call vote of 6-0, Ordinance No. 1147 passed on third and final reading.

Complete text of Ordinance No. 1147 will be found in Ordinance Book No. 9 at page 82.

ORDINANCE NO. 1148 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on Caledonia Road for Appalachian Hall, Inc.)

6. Consideration was given to the second reading of Ordinance No. 1148, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Caledonia Road for Appalachian Hall, Inc. from R-3 Residential District to OI Office Institutional District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1148 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1148. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1148 passed on third and final reading.

Complete text of Ordinance No. 1148 will be found in Ordinance Book No. 9 at page 84.

RESOLUTION NO. 79-281 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY (Mr. Richard V. Gallagher)

12. Consideration was given to a resolution appointing a member to the Asheville Transit Authority.

The City Manager read the resolution appointing Mr. Richard V. Gallagher to the Asheville Transit Authority.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, Resolution No. 79-281 was unanimously adopted.

Complete text of Resolution No. 79-281 will be found in Resolution Book No. 11 at page 393.

RESOLUTION NO. 79-282 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO PROJECT 8.7384002 (W-18) AND 8.7384003 (W-10) (Intersection improvements on U. S. 70-74)

13. Consideration was given to a resolution authorizing the Mayor to enter into a Municipal Agreement with the North Carolina Board of Transportation relative to Project 8.7384002 (W-18) and 8.7384003 (W-10) for intersection improvements on U. S. 70-74 (Tunnel Road).

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 79-282 was unanimously adopted.

Complete text of Resolution No. 79-282 will be found in Resolution Book No. 11 at page 394.

APPOINTMENTS TO BOARDS AND COMMISSIONS - DISCUSSION AND COMMENTS

14. Vice-Mayor Morris said he feels there is a need for an inventory of qualified individuals who would be willing to serve on various boards and commissions. He requested that a method be developed on obtaining such an inventory.

Councilman Boland suggested a polling of relevant organizations requesting their leadership in obtaining recommendations to the boards and commissions.

RESOLUTION NO. 79-283 - RESOLUTION OF APPRECIATION TO LUTHER B. THIGPEN

15. Consideration was given to a resolution of appreciation to Luther B. Thigpen, executive editor of the Asheville Citizen and Times, who is leaving Asheville to assume the position of publisher of the Leaf-Chronicle in Clarksville, Tennessee.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 79-283 was unanimously adopted.

Complete text of Resolution No. 79-283 will be found in Resolution Book No. 11 at page 395.

955

Councilman Cole moved for the approval of the sign permit for J. M. Sign Company for a sign to be located at 29 Montford Avenue. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF SIGN PERMIT - FEDERAL SIGN COMPANY - CIVIC CENTER MOTEL - 37 HIAWASSEE STREET

10. Consideration was given to the approval of a sign permit for Federal Sign Company for a sign at the Civic Center Motel at 37 Hiawassee Street.

J. E. Johnson, Chief Building Inspector, said Federal Sign Company has requested approval for construction of a sign to be located at 37 Hiawassee Street for the Civic Center Motel. He said pursuant to the Zoning Ordinance, this sign requires the approval of Council because it is situated within 600' of the Asheville Expressway. He said this matter was continued from the December 6th and 13th, 1979 meeting.

Alfred Adams, representing the new management of the Civic Center Motel, said a complete renovation is planned for the motel. He requested approval of the sign permit which is for a principal use sign. He said the sign meets all specifications of the Zoning Ordinance.

Mr. George Perry, proposed purchaser of the motel, addressed Council requesting approval of the sign permit. He said the approval of the sign permit is contingent upon the sale of the motel. He answered questions from members of Council relative to the proposed plans of the motel. He presented photographs of the proposed sign.

Discussion was held relative to the rates being included on the face of the sign and Councilwoman Price moved to approve the sign permit with the provision that the rates be excluded from the face of the sign. However, after receiving advice from the Corporation Counsel, Councilwoman Price withdrew her motion.

After discussion, Councilman Cole moved for the approval of the sign permit for Federal Sign Company for a sign at the Civic Center Motel at 37 Hiawassee Street. This motion was seconded by Councilman Brownlee and carried on a voice vote of 4-2 with Vice-Mayor Morris and Councilman Boland voting "no."

Councilwoman Price was excused from the meeting at 6:00 p. m.

Mayor Trantham called for a ten (10) minute recess of the Council meeting.

RESOLUTION NO. 79-280 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY (Harold C. Enloe, William F. Wolcott, Jr., and Richard L. Haber)

11. Consideration was given to a resolution appointing members to the Asheville Regional Airport Authority.

The City Manager read the resolution appointing Mr. Harold C. Enloe, Mr. William F. Wolcott, Jr. and Richard L. Haber as members to the Asheville Regional Airport Authority.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 79-280 was unanimously adopted.

Complete text of Resolution No. 79-280 will be found in Resolution Book No. 11 at page 392.

On September 26, 1979, I announced the application and selection process for the position of Chief of Police of the Asheville Police Department. Since the position of Chief of Police carries with it the responsibility of carrying out one of the most basic functions of this government, and the leadership of that department does much to affect the attitudes and views that the citizens of Asheville and the entire country have about the City administration, I established an intricate selection process. As announced at that time, I mentioned that I would accept applications from individuals, both from within and outside the department.

The selection process was designed to reduce a large number of candidates to a small group of finalists. To perform the major evaluation of the candidates, I chose an Assessment Committee to work along with me. For the Committee, I chose a small group of professionals to provide me with the essential professional analysis of the candidates without bias as to whether the candidates were currently employed in the department.

Mayor Trantham requested that the resolution be published in the Asheville Citizen-Times newspaper.

RESOLUTION NO. 79-284 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE LIBRARY BOARD
(Mr. Richard P. Chiles)

16. Consideration was given to a resolution appointing member to the Asheville Library Board.

The City Manager read the resolution appointing Mr. Richard P. Chiles to the Asheville Library Board.

Upon motion of Councilman Cole, seconded by Vice-Mayor Morris, Resolution No. 79-284 was unanimously adopted.

Complete text of Resolution No. 79-284 will be found in Resolution Book No. 11 at page 396.

CLAIMS - HERSEL L. COGBURN - DONALD E. DEVERS - MARGARET JEAN TAYLOR - ELWOOD B. MILES -
CHRIS MATTHEWS - LEE ROGER YOUNG, JR. - RONALD MERRILL - RANDALL EARL BRIDGES

17. The City Manager presented claims for damages received from Mr. Hershel L. Cogburn, Mr. Donald E. Devers, Ms. Margaret Jean Taylor, Elwood B. Miles, Chris Matthews, Lee Roger Young, Jr., Ronald Merrill and Randall Earl Bridges.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

LETTER FROM ATTORNEY JOHN E. SHACKELFORD RE: LAW SUIT TO BE FILED- MARVIN LEWIS BREWER
AND WENDELL CHARLES BLAIR

18. The City Manager presented a letter from Attorney John E. Shackelford relative to a proposed law suit by Marvin Lewis Brewer and Wendell Charles Blair.

Mayor Trantham referred the letter to the Corporation Counsel for investigation and recommendation.

ANNOUNCEMENT OF CHIEF OF POLICE - FRED W. L. HENSLEY

19. The City Manager announced the appointment of Mr. Fred W. L. Hensley as the Chief of Police for the City of Asheville.

The City Manager requested that the following press release be made a part of the minutes:

PRESS RELEASE

FOR IMMEDIATE RELEASE - 3:30 P.M.

December 20, 1979

By: Ken Michalove, City Manager

Released To: Asheville City Council Members
 Asheville Police Department Personnel
 Civil Service Board Members
 Employee Services Department
 Members of the Assessment Committee
 News Media Representatives

Subject: Selection of the Chief of Police for Asheville,
 North Carolina

- 3 -

PRESS RELEASE
Thursday, December 20, 1979
3:30 P.M.

discussion with my family....did I decide to apply."

"My service as Assistant Chief, supplemented by more than 20 years of service in all areas of the department activities has placed me in the position of being acutely aware of the department's current situation. The strengths and weaknesses of the department and its members, the programs that the department currently has under way, and plans for the future are all known to me. The attitude of the community and its preception of 'proper' law enforcement priorities are also known to me. I am on excellent working terms with other department heads in the City and with heads in other area (local, state, and federal) law enforcement agencies."

"I feel I can 'pick up the ball and run with it' from where I am now without having to stop to learn the 'game'. I know where we are, where we need to go, and also what you expect from the Police Department and the Chief." And, most important to me as City Manager, Fred said "we have a capable team in the Police Department that has been developed to provide the range of skills necessary to efficiently carry out the business of the Police Department. This team has worked well together for the past two years and can continue to work well in the future with no loss in the momentum or effectiveness."

Finally, it is a personal pleasure to make this promotion from within the department ranks and to know that the education and experience offered within the department offers the opportunity for our personnel to compete in open competition with candidates from other departments.

PRESS RELEASE
Thursday, December 20, 1979
3:30 P.M.

The members of the Assessment Committee were recognized professionals in law enforcement and community relations. They were Mr. Ronald McElrath, Director of Community Relations for the City of Clearwater, Florida; Mr. Ronald Lynch, Faculty Member of the Institute of Government, University of North Carolina at Chapel Hill - principal field of activity - Police Administration, Criminal Law and Procedure, and Public Administration; and Mr. Thomas Surrett, Retired Chief of Police, Winston Salem, North Carolina. To these men, I owe a debt of gratitude for their personal volunteer time, and we owe the institutions they work for a debt of gratitude for permitting them to perform this task.

The interviews were set up in three-hour segments over the weekend of December 7, 8, and 9. I sat in on all of the interviews, but did not take part in the questioning. On Sunday afternoon, December 9, 1979, the Committee gave me four (4) names for consideration.

I have held lengthy interviews with two of the four that I felt to be the top candidates and today I am naming Fred Hensley as Chief of Police.

Fred is currently the Acting Chief and before this was Assistant Chief of Police - Commander - Operations Bureau.

Perhaps, my best reasons for selecting Fred as Chief are best said in his own words.

"The decision to apply for this job was one carefully made; only after a great deal of personal reflection....and

SADIE SPRINKLE - 330 BARNARD AVENUE - COMPLAINTS

Ms. Sadie Sprinkle of 330 Barnard Avenue addressed Council complaining about speeding on main roads such as Merrimon Avenue, Biltmore Avenue, and Patton Avenue. She also said she feels there is not enough personnel in the Sheriff's Department or Police Department on weekends when crimes are more dominant.

Mayor Trantham advised Ms. Sprinkle that twenty (20) additional police officers will be added to the force the beginning of January and it is hoped that the additional manpower will help alleviate some of these problems.

Ms. Sprinkle also complained about a drainage problem in her neighborhood which causes misquitos.

Ms. Sprinkle complained that there is no bus service for Aston Park Towers except to take the residents home from downtown.

The City Manager advised Ms. Sprinkle that the buses do run both ways but the schedule had been curtailed due to the budget. He said he would check with the Asheville Transit Authority relative to the schedule for Aston Park Towers and let her know.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again spoke to Council about the lottery sales in Asheville citing several state laws relative to same.

Adjournment. (6:30 p. m.)

William Trantham MAYOR William J. Holcott CITY CLERK

PRESS RELEASE
Thursday, December 20, 1979
3:30 P.M.

Highlights of Fred Hensley's Career

- Long time resident of West Asheville
- Educated in the Buncombe County Schools
- Four years in the U. S. Air Force
- 20 years experience with the Asheville Police Department
- FBI National Academy Graduate
- Advanced Law Enforcement Certificate, North Carolina Criminal Justice Training and Standards
- Member of the International Association of Chief of Police, as well as other professional associations.
- Member of the West Asheville Lions Club
- Commendations from the F.B.I. and U. S. Secret Service

Fred and his wife Ruth have six children.

KMH
12/20/79

Mayor Trantham expressed concerns about the provision that inspectors shall have the right to enter on any premises within the jurisdiction of the Division at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

Mayor Trantham closed the public hearing at 4:30 p. m.

The City Manager read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1150. This motion was seconded by Councilman Cole.

On a roll call vote of 4-2, Ordinance No. 1150 passed on first reading, with Vice-Mayor Morris, Councilmen Boland, Cole and Brownlee voting "aye" and Mayor Trantham and Councilman Wilkes voting "no."

PUBLIC HEARING - REZONING OF PROPERTY AT PATTON AND PEARL STREETS - HAROLD TALBERT FOR GREYHOUND BUS COMPANY

3. A public hearing was held relative to rezoning property at Patton and Pearl Street from CR Commercial Regional District to CS Commercial Service District.

Mayor Trantham opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held December 5, 1979 considered the request of Mr. Harold Talbert that property at the corner of Patton and Pearl Streets be rezoned from CR Commercial Regional District to CS Commercial Service District. He said after discussing the issues and reviewing a recommendation of denial from the Asheville Revitalization Commission, the Commission voted to recommend that the property be rezoned as petitioned. Mr. Emrick read the following letters from the Asheville Revitalization Commission concerning the requested rezoning:

"MEMORANDUM TO: William Frue, Chairman, Planning and Zoning Commission
FROM: James Daniels, Chairman, Asheville Revitalization Commission
RE: ARC recommendation on Henry Harris Estate property rezoning request
DATE: December 4, 1979

The Asheville Revitalization Commission was polled by telephone on the matter of the requested rezoning of the lot at the corner of Patton Avenue and Pearl Street from CR Commercial Regional to CS Commercial Service.

The majority of the Commission has voted to recommend that you deny that petition. We feel it far more useful to leave a contiguous land mass as intact as possible in the Commercial Regional zone.

We further point out that the Revitalization Plan holds this area as a development area for a high technology center and the proposed use does not meet that criteria.

The telephone poll was taken so as not to further detain our recommendation because of the times that our meetings fall."

203

Thursday - January 10, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 20, 1979 meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the minutes of the December 20, 1979 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENTS TO HOUSING CODE

ORDINANCE NO. 1150 - AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-41 OF CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

2. A public hearing was held relative to the adoption of an ordinance relating to amendments of Chapter 8, Article 11 of the Code of Ordinances, known as the Housing Code.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Former Councilman Gene Rainey, Chairman of the Certificate of Occupancy and Housing Study Committee, appointed by the Mayor in September, 1979, presented a revised Housing Code for Council's consideration. He said the Committee was established as a result of complaints of uneven inspections and other matters having to do with the enforcement of the Certificate of Occupancy. He said the revised code has been streamlined from the original code adopted in 1968. He highlighted the outstanding changes in the Code and recommended its adoption by Council. He answered questions from members of Council relative to the code, particularly relating to the protection of the homeowners, identification of inspectors, provisions to protect a buyer, and the difficulty of renovating older homes under the new code.

Upon inquiry of Mayor Trantham, J. E. Johnaon, Chief Building Inspector, said individuals would be notified of needed repairs as well as the lending institutions. He said a Certificate of Occupancy would be required before the house could be listed for sale.

APPEAL OF HELEN R. ARENDALE - BOARD OF TRUSTEES RULING ON A BENEFIT CLAIM

4. Consideration was given to a motion relative to the appeal of Helen R. Arendale relative to the Board of Trustees ruling on a benefit claim pursuant to the City of Asheville Policemen's Pension and Disability Fund.

Corporation Counsel Moore advised Council that Mrs. Arendale has requested that action on the matter be postponed until January 17, 1980.

Vice-Mayor Morris moved to continue action on the appeal of Helen R. Arendale until January 17, 1980. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 80-1 - RESOLUTION ACCEPTING CONVEYANCE OF CERTAIN WATER LINES LOCATED IN AVERY'S CREEK SANITARY DISTRICT

5. Consideration was given to a resolution accepting conveyance of certain water lines located in Avery's Creek Sanitary District.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 80-1 was unanimously adopted.

Complete text of Resolution No. 80-1 will be found in Resolution Book No. 12 at page 1.

APPROVAL OF THE SALE OF DISPOSAL PARCELS 57A AND 57B - EAST RIVERSIDE RENEWAL PROJECT

6. Consideration was given to the approval of the sale of Disposal Parcels 57A and 57B of the East Riverside Renewal Project.

The City Manager said the Housing Authority has requested that this matter be postponed until January 17, 1980.

Councilman Cole moved to postpone action on the approval of the sale of Disposal Parcels 57A and 57B in the East Riverside Renewal Project until January 17, 1980. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

MEMORANDUM TO: Verl Emrick, Planning Director, City of Asheville

FROM: Chris Gunter, ARC Staff

RE: ARC recommendation on Henry Harris Estate property rezoning

DATE: December 6, 1979

At our December 5th meeting the Asheville Revitalization Commission voted to ratify the results of the telephone poll (see Memo dated December 4, 1979) on the matter of the requested rezoning of the lot at the corner of Patton Avenue and Pearl Street from CR Commercial Regional to CS Commercial Service.

The majority of the Commission voted to recommend that Planning and Zoning deny the petition as it is felt that it would be far more useful to leave a contiguous land mass as intact as possible in the Commercial Regional zone. Also, the Revitalization Plan holds this area as a development area for a high technology center and the proposed use does not meet that criteria.

Robin Daniel made the motion to formalize this recommendation, Jim Hunter seconded, and the vote was unanimous among the Commission members present."

By the use of a map, Mr. Emrick reviewed the location of the property requested to be rezoned.

Harold Talbert said he has worked with the Greyhound Bus Company for two years to find a suitable site for a new bus terminal. He said the building would be versatile to accommodate the Revitalization Plan in future years. He said the plans of the Revitalization Commission are extremely long range and the bus terminal is needed now as it is difficult for two bus companies to operate in the same building.

David R. Hilliard, attorney for Greyhound Bus Company, reiterated comments made by Mr. Talbert and urged Council to approve the petition for rezoning. He said it was his opinion that the Revitalization Plan that was adopted included the opposite side of Patton Avenue than the proposed bus terminal. He said the proposed building would increase the tax revenue by approximately \$1,700.

Mr. Hilliard and Mr. Talbert reviewed the proposed architecture of the building.

It was the consensus of Council that Council should hear comments from the Asheville Revitalization Commission relative to the rezoning.

After discussion, Councilman Cole moved to continue the public hearing until January 17, 1980 giving the Asheville Revitalization Commission an opportunity to voice their comments to Council relative to the rezoning. This motion was seconded by Councilman Wilkes and carried unanimously.

- D. Resolution No. 80-3 - Resolution authorizing the Mayor to execute an easement with Thomas D. and Jane L. Heath concerning the construction of a water line known as the Rosscraggon-Appian Way Project.

HIGHLIGHTS: The right-of-way agreement is for the purpose of constructing a water line on Rosscraggon Road - Appian Way. Because this water line will encroach on the property belonging to Thomas D. and Jane L. Heath, this agreement is necessary.

Resolution Book No. 12 Page 3

- E. Resolution No. 80-4 - Resolution authorizing the Mayor to execute an easement with the North Carolina Department of Agriculture concerning construction, operating and maintaining a water line.

HIGHLIGHTS: This easement with the North Carolina Department of Agriculture is for the construction of a water line belonging to Western Carolina Farmer's Market. Because these water lines will encroach on their property, this agreement is necessary.

Resolution Book No. 12 Page 4

- F. Resolution No. 80-5 - Resolution authorizing the Mayor to enter into an agreement with Froehling and Robertson for Materials Engineering and Related Construction Inspection and Materials Testing Services.

HIGHLIGHTS: This agreement will provide for an evaluation of asphalt cores relating to repair work done by the City Street Division and utility companies working within the City Limits. The tests will be made at the following locations: 1) Chestnut Street between Merrimon Avenue and Charlotte Street; 2) Broadway between Chestnut Street and Weaver Boulevard; 3) Woodfin Street between Central and the First Baptist Church; 4) Reed Street between Brook Street and Lula Street; 5) Clinton Avenue; and 6) Lane Avenue.

Resolution Book No. 12 Page 5

- G. Approval of bids received January 3, 1980 for a two-year contract, Rental Uniform Service for various Departments/Divisions of the City of Asheville.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by National Linen and Uniform Service- Unit Price - \$2.97 - Total Estimated Quantity - \$90,590.94 Funding: General Operating Funds of individual departments.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

- A. Scheduling of a public hearing relative to rezoning property at the corner of Haywood Road and Cloyes Street for February 7, 1980.

HIGHLIGHTS: In September, 1978, Mr. B. C. Morton requested rezoning of property on Haywood Road and Cloyes Street from R-3 Residential District and CH Commercial Highway District to CS Commercial Service District. After the public hearing on the issue Council tabled the matter indefinitely giving Mr. Morton and the neighborhood an opportunity to resolve their differences. Mr. Morton in October, 1979 requested that the matter be considered again by Council. Council then referred the matter back to Planning and Zoning Commission because it had been longer than one year since Council discussed the issue. At the December 5, 1979 meeting of the Planning and Zoning Commission, the Commission voted to reaffirm its previous recommendation that a portion of the property be rezoned and a ~~portion~~ remain zoned R-3 Residential District. Mr. Morton has appealed the decision of the Planning and Zoning Commission and has requested that a public hearing be held on the matter.

- B. Resolution No. 80-2 - Resolution authorizing the Director of Finance to sell surplus property.

HIGHLIGHTS: The Water Maintenance and Construction Division of the Water Department have identified several tons of scrap material, including broken fire hydrants, broken pieces of cast iron pipe, broken and obsolete valves, and broken and corroded pipe fittings and has requested authority to dispose of these materials. Article V, Section 32 (d) of the City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of \$100 shall be made by the Director of Finance unless direction be made by the Council by resolution.

Resolution Book No. 12 Page 2

- C. Approval of a budget amendment amending the City of Asheville Community Development Fund Budget.

HIGHLIGHTS: HUD has approved the Eagle-Market Street Neighborhood and Economic Development Project and this amendment in the amount of \$388,823, will appropriate said funds in the Community Development Fund Budget.

HERMAN P. MEDLER - COMMENTS RELATIVE TO MALL PROPOSED FOR WEST ASHEVILLE

Mr. Herman P. Medler said he was disappointed with the newsmedia coverage in that the newspaper has said that the proposed Mall for West Asheville is practically a certain. He spoke against the proposed Mall.

Mayor Trantham informed Mr. Medler that Council has only adopted an ordinance to rezone the property on two readings and the third reading will be held after Council receives a report from the Transportation Advisory Committee relative to the increased traffic in the area and the proposed solutions.

RALPH BISHOP - REDRESS OF COUNCIL

Mr. Ralph Bishop, again spoke to Council about his legal right to seek redress from the Council. He cited several General Statutes giving him the authority to seek redress from the Council.

Adjournment.

Ray M. Trantham
MAYOR

Wanda S. Halcott
CITY CLERK

Mr. Steve Leonard, an adjacent property owner, asked several questions relative to the proposed plans of the developer.

Mr. Emrick advised Mr. Leonard that the developer has not presented any proposed plans at the present time. He said any development would be required to go through the group development review.

Vice-Mayor Morris closed the public hearing at 4:15 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1151. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1151 passed on first reading.

CONTINUATION OF PUBLIC HEARING - REZONING PROPERTY AT CORNER OF PATTON AND PEARL STREETS

ORDINANCE NO. 1152 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was continued relative to rezoning property at the corner of Patton and Pearl Streets.

Vice-Mayor Morris noted that this public hearing was continued from the January 10, 1980 meeting in order to receive comments from the Asheville Revitalization Commission relative to the rezoning.

Jim Hunter, Vice-Chairman of the Asheville Revitalization Commission, said the proposed use of the property at the corner of Patton and Pearl Streets, for a Greyhound bus terminal, is not in conjunction with the Revitalization Plan adopted by Council. He said the Commission has asked that the bus terminal not be built on the Patton-Pearl property because it hopes eventually to have a large-scale mass transit facility elsewhere in the City sometime in the future, and because it has hopes for a high technology complex on and around the proposed site.

Councilwoman Price commented that in her opinion Council should support the Revitalization Plan if the Commission is to carry out their plans.

Mr. David R. Hillier, attorney for the Greyhound Bus Company, spoke in support of the rezoning. He said the Asheville Revitalization Commission should be flexible in the plans. He said the Revitalization Plan is for long range plans and not the present. He said the property would be developed by a private developer, Mr. Harold Talbert, and leased to the Greyhound Bus Terminal. He said there was no opposition expressed at the public hearing before the Planning and Zoning Commission and the Planning and Zoning Commission has recommended that the property be rezoned as petitioned. He presented photographs of the current condition of the property in question and the blueprints of the proposed building.

Mr. Harold Talbert, developer, said the proposed facility would be versatile and that it could be used in the future as part of such a high technology complex and that he would free Greyhound from a lease if it chose to join a mass transit facility.

Thursday - January 17, 1980 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham - Mayor Trantham was in Washington attending an ARC meeting for the Land-of-Sky Regional Council.

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 10, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the minutes of the January 10, 1980 meeting were approved as submitted.

BOXING AND WRESTLING COMMISSION - CHECK PRESENTED FOR TAX ON GROSS RECEIPTS

2. Mr. C. L. Moore and Mr. Tommy Saunooke of the Boxing and Wrestling Commission presented Council with a check in the amount of \$8,000 as a result of the 5% tax on gross receipts of the Wrestling matches at the Civic Center.

PUBLIC HEARING - ANNEXATION OF THE MARIETTA COBB APARTMENTS COMPANY PROPERTY ON LEICESTER HIGHWAY

ORDINANCE NO. 1151 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

3. A public hearing was held relative to the annexation of the property owned by the Marietta Cobb Apartments Company off Leicester Highway.

Vice-Mayor Morris opened the public hearing at 4:08 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Ermick, Planning Director, said the Marietta Cobb Apartments Company petitioned the City to annex their property located off Leicester Highway. He said Council adopted a resolution directing the City Clerk to investigate the sufficiency of the petition and the City Clerk has certified to Council that the petition is in order and complies with the statutory requirements. He said the tract petitioned to be annexed contains 17.28 acres and is presently zoned R-3 Residential District. He said the current assessed valuation is \$86,410 which would have a tax revenue value of \$838.11. However, if improvements are constructed, as indicated, additional revenues would be available. He said access to the property would be by cross easements through the Meadow Development. He said at present there is a 10 inch water line on N.C. 63 and 6 inch lines servicing the Meadows development which may be available to this property. He said any improvements constituting an extension of the lines would be borne by the developer assuming services could be provided to the site.

Councilwoman Price said she supported the purpose of the center but could not support the selling of a prime piece of property to a non-profit-non-taxable organization since Council recently received authority to reject bids from such organizations based on the fact that the City will lose substantial tax revenues if the land is sold to non-taxable groups.

Dr. Max Mauney, President of the Mountain Area Health Education Foundation, spoke in support of the sale. He said the facility would not be paid for by taxpayers money. He asked Council not to consider this organization as a test case for the authority recently received but to forgo \$5,000 to \$7,000 in ad valorem taxes for the purpose of training new physicians and retraining the ones already in Asheville. He said the center has created jobs for the City residents equivalent to a small industry. He said the organization is in desperate need of the parcels in order to get on the principal city bus route. He said the present location creates tremendous problems to the aged and handicapped and there is not enough parking and not sufficient access. He said the new facility will contain 10,700 square feet at an estimated cost of \$600,000.

Dr. Mauney cited several statistics showing the need for such a facility.

After discussion, Councilman Cole moved to approve the sale of Disposal Parcel 57A and 57B of the East Riverside Renewal Project to the Mountain Area Health Education Foundation as tentatively accepted by the Housing Authority. This motion was seconded by Councilman Boland and carried on a voice vote of 5-1, with Councilwoman Price voting "no."

PUBLIC HEARING - MORATORIUM ON ISSUANCE OF ZONING PERMITS - BEAVERDAM VALLEY

ORDINANCE NO. 1153 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE BEAVERDAM VALLEY AREA

6. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on the issuance of zoning permits in the Beaverdam Valley.

Vice-Mayor Morris opened the public hearing at 5:40 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick, in reviewing the background of this issue, said at the November 29, 1979 meeting of the City Council a motion was made to table action on an ordinance to rezone the Beaverdam Valley Area to R-1 Single Family Residential until January 17, 1980 giving the City staff an opportunity to obtain additional information on the water and sewer conditions in the Beaverdam Valley. He said at the same meeting a motion was also made scheduling a public hearing, for January 17, 1980, concerning the adoption of an ordinance imposing a moratorium on the issuance of zoning permits in the Beaverdam Valley area, as an alternative to rezoning, until the Beaverdam Planning Council has an opportunity to come up with their own Land Use Plan for Beaverdam Valley.

272

Jim Rogers of the Greyhound Bus Terminal also spoke in support of the rezoning. He said his company would be interested in joining a mass transit system in the future, however, his company is in need of a new facility at the present and not in the future.

After discussion, Vice-Mayor Morris closed the public hearing at 4:55 p. m.

Councilman Boland said he would like to seek a compromise. He said he would like to keep the Revitalization Plan intact because a great deal of money and time and energy developing the plan has been spent. He said he would prefer to see a further study to find another site for the facility and if the study doesn't come up with another site, he would vote for the rezoning.

Verl Emrick, Planning Director, read the ordinance.

Councilman Cole moved for the adoption of Ordinance No. 1152. This motion was seconded by Councilman Wilkes.

On a roll call vote of 4-2, Ordinance No. 1152 passed on first reading with Vice-Mayor Morris, Councilman Cole, Councilman Wilkes and Councilman Brownlee voting "aye" and Councilwoman Price and Councilman Boland voting "no."

APPROVAL OF THE SALE OF DISPOSAL PARCELS 57A AND 57B -EAST RIVERSIDE RENEWAL PROJECT

5. Consideration was given to the approval of the sale of Disposal Parcels 57A and 57B of the East Riverside Renewal Project.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said the Housing Authority has tentatively accepted the following bid for Disposal Parcels 57A and 57B of the East Riverside Renewal Project:

Reuse:	Commercial/Office-Institutional
Minimum Price:	\$174,000.00
Area:	98,489 sq. ft.
Location:	Corner of Ashland and Southside Avenues
Redeveloper:	Mountain Area Health Education Foundation
Bid:	\$174,000.00
Proposed Improvements:	One-story masonry and frame medical clinic containing approximately 10,700 sq. ft. at an estimated cost of improvements of \$600,000.00

Mr. Holt said the parcels have been exposed to the public for a bid for the past three years. He said when bids were opened on October 3, 1979 this was the only bid received. He said all parties that had previously expressed an interest in the parcel were notified of the bid opening.

Upon inquiry of Council, Mr. Holt said the City would lose \$5,000 to \$7,000 per year in taxes if the Council sells the property to the health education center. However, it is not anticipated that a developer will be interested in the near future. He said the area is prone to an impact of medical facilities due to the area being close the hospitals.

Vice-Mayor Morris said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Councilman Wilkes moved to amend Ordinance No. 1150 by amending Section 8-37 to read as follows "The Inspection Division shall make periodic inspections, for unsafe, unsanitary, or otherwise hazardous or unlawful conditions in structures within its jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the Division shall have a right to enter on any premises within the jurisdiction of the Division at all reasonable hours (between 9 a. m. and 5 p. m. - Monday through Friday and at the convenience of the occupant) for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Upon refusal, after proper notice, members of the Division shall have the right to inspect under provision 8-29 (A) of this ordinance." This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1150, as amended, passed on second reading.

APPEAL OF HELEN R. ARENDALE - RULING OF BOARD OF TRUSTEES ON BENEFIT CLAIM PURSUANT TO POLICEMEN'S PENSION AND DISABILITY FUND

8. Consideration was given to a motion relative to the appeal of Helen R. Arendale relative to the Board of Trustees ruling on a benefit claim pursuant to the City of Asheville Policemen's Pension and Disability Fund.

Vice-Mayor Morris noted that this matter was continued from the December 20, 1979 meeting.

Corporation Counsel Moore advised Council that they could affirm the Board of Trustees' ruling, remand it to the Board of Trustees for further consideration, or override the decision of the Board of Trustees.

Councilwoman Price moved to affirm the ruling of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund relative to the Helen R. Arendale matter. This motion was seconded by Councilman Wilkes and carried unanimously.

ORDINANCE NO. 1154 - AN ORDINANCE REPEALING SECTION 18-22 (c) OF THE ASHEVILLE CODE OF ORDINANCES, DEALING WITH THE DISPOSAL OF LIQUOR CONTAINERS

9. Consideration was given to an ordinance repealing Section 18-22(c) of the Asheville Code of Ordinances, dealing with the disposal of liquor containers.

The City Manager read the ordinance explaining that Section 18-22(c) of the Code of Ordinances makes it unlawful to throw liquor containers on any public or private property without permission. He said scattering of all kinds of refuse is already prohibited under Section 13-4(a), in the Sanitation Ordinance. He said the proposed ordinance will repeal Section 18-22(c).

Councilman Cole moved for the adoption of Ordinance No. 1154. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1154 passed on first reading.

Mr. Bill DeBruhl, Director of Water and Sewer Services, said in essence the water supply for Beaverdam Valley is currently at its peak. He said his office is even researching water supplies for single family dwellings. He said during periods of rain the sewer lines are also running full. He said the Department of Water and Sewer Services, with the present conditions in the valley, could not permit a developer to construct any multi-family apartments in the area.

Mrs. Harry Wright, of the Beaverdam Planning Council, urged Council to pass an ordinance rezoning the area R-1 Single Family Residential District until the Planning Council comes up with a comprehensive land use plan for the area. She said it is not the intention of the Beaverdam Planning Council to request permanently that all the property in the area be zoned to R-1. She said the density of the area needs to be kept low until the water, sewer and road conditions are improved.

Mr. R. L. Coleman, owner of property in the area, said single family zones cuts down on the property needed for multi-family units. He said he would oppose the rezoning of the area to R-1 but would not object to 120-day moratorium on zoning permits.

Frank Cole, also a property owner in the area, said he would also object to the rezoning of the area to R-1 but would not object to the 120-day moratorium on zoning permits.

Dr. John Pritchard, a member of the Beaverdam Planning Council, also spoke in favor of the rezoning. He said it was imperative that the Beaverdam Planning Council proceed with their plans.

Richard A. Wood, Jr., Attorney representing Mr. Mitchell Wolfson, property owner in the area, said his client would oppose any rezoning but would not object to the 120-day moratorium on zoning permits.

After discussion, Vice-Mayor Morris closed the public hearing at 6:05 p. m.

Verl Emrick, Planning Director, read the ordinance imposing the moratorium.

Councilman Cole moved for the adoption of Ordinance No. 1153. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1153 passed on first reading.

Councilman Boland moved to table action on the ordinance to rezone property in the Beaverdam Valley to R-1 Single Family Residential District. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1150 - AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-41 OF CHAPTER 8 ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

7. Consideration was given to the second reading of Ordinance No. 1150, an ordinance relating to amendments to Chapter 8, Article 11 of the Code of Ordinances, known as the Housing Code.

Upon motion of Councilman Brownlee, seconded by Councilwoman Price, the consent agenda was unanimously approved.

FINANCIAL REPORT FOR YEAR ENDED JUNE 30, 1979

The City Manager presented members of Council with copies of the Financial Report for the year ended June 30, 1979. Copies of the report will be on file in the Office of the City Clerk.

PROCLAMATION - JUNIOR ACHIEVEMENT WEEK - JANUARY 20 - 26, 1980

Vice-Mayor Morris proclaimed the week of January 20-26, 1980 as Junior Achievement Week.

APPROVAL OF THE SALE OF DISPOSAL PARCEL 123 - EAST RIVERSIDE RENEWAL PROJECT

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said on September 6, 1979 Council considered the approval of the sale of Disposal Parcel No. 123 in the East Riverside Renewal Project to James C. McDonald DPM in the amount of \$39,000. After discussion during that meeting, Councilwoman Price moved to table action on the sale until Dr. McDonald requested that the matter be considered further by Council giving Dr. McDonald an opportunity to seek tenants for the proposed building utilizing a neighborhood business. He said in November, 1979, Council requested that Dr. McDonald give Council a status report on the sale.

Dr. McDonald said he had been successful in finding a co-developer for this parcel and the co-developer intends to have two to three businesses in the complex, one of which will be a neighborhood laundrymat.

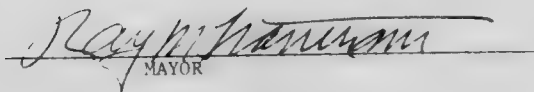
After discussion, Councilman Boland moved to approve the sale of Disposal Parcel No. 123 in the East Riverside Renewal Project to James C. McDonald DPM in the amount of \$39,000. This motion was seconded by Councilwoman Price and carried unanimously.

RALPH BISHOP - COMMENTS RELATIVE TO THE APPOINTMENT OF FRED HENSLEY AS CHIEF OF POLICE

Ralph Bishop made several comments objecting to the appointment of Fred Hensley as Chief of Police.

Councilman Boland moved that the meeting be adjourned. This motion was seconded by Councilwoman Price and carried unanimously.

Adjournment.


MAYOR


CITY CLERK

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1154. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1154 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1154. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1154 passed on third and final reading.

Complete text of Ordinance No. 1154 will be found in Ordinance Book No. 9 at page 92.

APPROVAL OF CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 80-6 - Resolution authorizing the Mayor to execute an easement with Grover Redmon, et al, concerning the construction of an 8-inch fire line known as Keebler Road Project.

HIGHLIGHTS: This encroachment with Grover Redmon, et al., is for the construction of an 8-inch fire line on Keebler Road. Because this line does encroach on this property, this agreement is necessary.

Resolution Book No. 12 page 6.

B. Resolution No. 80-7 - Resolution appointing members to the Buncombe County Energy Committee.

HIGHLIGHTS: The Buncombe County Board of Commissioners recently agreed to expand the Buncombe County Energy Committee to include a member of City Council or a staff appointee. Councilman H.C. Wilkes and Bill Swearngan, Facility Services Superintendent will be appointed as members of the Committee.

Resolution Book No. 12 page 7.

C. Approval of bids received January 8, 1980 for repair materials for inventory for Water Maintenance Construction and Repair Division.

HIGHLIGHTS: Six (6) bids were received. Recommendation of acceptance of low bid submitted by Silverman Company in the amount of \$3,780.48. Funding: Water and Sewer Operating Fund- Warehouse Inventory.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Councilwoman Price said the proposed use of the property does not fit in with the Revitalization Plan to proceed with a mass transportation center. She said the proposed facility is only 1,500 square feet which doesn't look to the future as far as transportation needs are concerned. She said there is a need to push toward a transportation center instead of piecemealing such a project.

Councilman Wilkes and Councilman Boland both said they felt there is a need to give more consideration to this matter and research a possible alternate site. Councilman Boland suggested that the Greyhound and Trailways Bus Companies coordinate their efforts for future needs.

Mr. David R. Hillier, attorney representing Greyhound Bus Company, reiterated comments made during the first reading of the ordinance relative to the need for the facility, the increased tax base for the City, future increase in transit services, and the versatility of the proposed facility.

Jim Rogers, President of the Greyhound Bus Station, also made reference to the need for the facility explaining that their lease with Trailways expires on May 31, 1980. He said their present facility is not sufficient for their needs and Trailways does not want to renew their lease as they also need the space.

Harold Talbert, referring to Councilman Boland's comments, said a joint venture by Trailways and Greyhound was once contemplated, however, the plans were halted by the recent sale of the Trailways Company. He said at the present Trailways is not interested in a joint venture.

Ralph Bishop spoke in support of the rezoning in order that a new Greyhound facility could be built.

After discussion, Mayor Trantham called for a roll call vote on the second reading of the ordinance.

On a roll call vote of 4-3, Ordinance No. 1152, failed on second reading with Mayor Trantham, Councilman Cole, and Councilman Brownlee voting "aye" and Vice-Mayor Morris, Councilwoman Price, and Councilman Boland and Councilman Wilkes voting "no."

ORDINANCE NO. 1153 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE BEAVERDAM VALLEY AREA

4. Consideration was given to the second reading of Ordinance No. 1153, an ordinance imposing a moratorium on development in the Beavardam Valley area.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1153 passed on second reading.

Thursday - January 24, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Kenneth M. Michalove.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 17, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the January 17, 1980 meeting were approved as submitted.

ORDINANCE NO. 1151 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA (Marietta Cobb Apartments Company off Leicester Highway)

2. Consideration was given to the second reading of Ordinance No. 1151, an ordinance to extend the Corporate Limits of the City of Asheville, North Carolina for the Marietta Cobb Apartments Company located off Leicester Highway.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1151 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1151. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1151 passed on third and final reading.

Complete text of Ordinance No. 1151 will be found in Ordinance Book No. _____ at page _____.

ORDINANCE NO. 1152 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property at the corner of Patton and Pearl Streets)

3. Consideration was given to the second reading of Ordinance No. 1152, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property at the corner of Patton and Pearl Street from CR Commercial Regional District to CS Commercial Service District for Harold Talbert.

APPROVAL OF THE CONSENT AGENDA

7. The Assistant City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. RESOLUTION NO. 80-8- RESOLUTION OF INTENT TO CLOSE AN ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION FOR FEBRUARY 21, 1980.

HIGHLIGHTS: A petition has been filed by First Union National Bank of North Carolina and Grace Baptist Church of West Asheville to close an alleyway described as that sixteen-foot alley leading from the west margin of Fairfax Avenue to the eastern line of property owned by the Trustees of the Grace Baptist Church of West Asheville. There are no other property owners adjoining the alleyway except the petitioners.

Resolution Book No. 12 at page 8.

- B. APPROVAL OF BIDS RECEIVED JANUARY 15, 1980 TO FURNISH AND INSTALL A 10,000 GALLON DIESEL FUEL TANK AND BUS WASHER AND RECLAMATION SYSTEM FOR THE ASHEVILLE TRANSIT AUTHORITY.

HIGHLIGHTS: Five (5) bids were received. Recommendation of acceptance of the lowest fully responsive bid submitted by Industrial Maintenance Overflow Corporation in the amount of \$74,701. Funding: UMTA Capital Grant - Project No. NC-03-0006 - Sufficient funds are available for the above expenditures.

- C. RESOLUTION NO. 80-9 - RESOLUTION DECLARING A REX TRASHMASTER FORMALLY USED AT THE LANDFILL AS SURPLUS PROPERTY AND AUTHORIZING THE SALE OF SAME TO BUNCOMBE COUNTY.

HIGHLIGHTS: This trashmaster was formally used at the landfill and the City no longer has a need for this equipment. The County of Buncombe has expressed a desire to purchase the Trashmaster for \$50,000.

Resolution Book No. 12 at page 10 1/2

ORDINANCE NO. 1150 - AN ORDINANCE RELATING TO AMENDMENTS TO CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES, KNOWN AS THE HOUSING CODE

5. Consideration was given to the third reading of Ordinance No. 1150, an ordinance relating to amendments to Chapter 8, Article II of the Code of Ordinances, known as the Housing Code.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Boland, Mr. J. E. Johnson, Chief Building Inspector, said the revised code would not increase the cost in house renovations particularly in the low-rent areas. He said the code is also designed to give the buyer greater protection.

Mayor Trantham was excused for the meeting at 4:30 p. m.

Vice-Mayor Morris presided over the meeting.

On a roll call vote of 7-0, Ordinance No. 1150 passed on third and final reading.

Complete text of Ordinance No. 1150 will be found in Ordinance Book No. _____, at page _____.

ORDINANCE NO. 1155 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1979-80 (Summarizing and ratifying budget amendments)

6. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville.

The Assistant City Manager read the ordinance explaining that this ordinance will summarize and ratify all budget amendments made to the operating and capital budget for Fiscal Year 1979-80 through December 31, 1979.

Councilman Cole moved for the adoption of Ordinance No. 1155. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1155 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1155 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of the ordinance. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1155 passed on third and final reading.

Complete text of Ordinance No. 1155 will be found in Ordinance Book No. _____ at page _____.

BUDGET AMENDMENT - CITY OF ASHEVILLE FISCAL 1979-80 OPERATING BUDGET

Consideration was given to a budget amendment amending the City of Asheville Fiscal 1979-80 Operating Budget of the City of Asheville.

Mike Smith, Director of Administration, said the amendment is to fund a change in Workman's Compensation Program to obtain workman's compensation insurance and third party administration of program

Mr. David Flippin of the City/County Insurance Committee said the Committee has recommended this change and explained the highlights of the program. He said the contract with the insurance carrier will not only handle the administration of the Workman's Compensation Program but will conduct a loss control program which is also an asset to the program.

Mayor Trantham returned to the meeting at 4:40 and presided over the meeting.

Councilwoman Price moved for the approval of the budget amendment. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-15 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR WORKER'S COMPENSATION COVERAGE FOR THE CITY OF ASHEVILLE

Consideration was given to a resolution authorizing the City Manager to sign a contract for worker's compensation coverage for the City of Asheville.

Mike Smith, Director of Administration, read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-15 was unanimously adopted.

Complete text of Resolution No. 80-15 will be found in Resolution Book 12 at page 26.

CLAIMS - DONNA CARTER - FLETCHER SCHOOL OF DANCE - WILSON PERSONNEL - ANNA MARIE ROWLAND - VIRGINIA KEEVER EPLEY

The Assistant City Manager presented claims received from Donna Carter, Fletcher School of Dance, Wilson Personnel, Anna Marie Rowland, and Virginia Keever Epley.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

APPEAL OF FANNIE M. TRANTHAM (PINNER) - RE: RULING BY THE BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

The Assistant City Manager presented an appeal of Fannie M. Trantham (Pinner) relative to a ruling of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund. He advised that hearing on this matter will be held at the City Council meeting on January 31, 1980.

- D. RESOLUTION NO. 80-10 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SIX ASSOCIATES TO PREPARE PLANS AND SPECIFICATIONS FOR ENLARGEMENT OF THE BAGGAGE/CLAIM AREA OF THE ASHEVILLE REGIONAL AIRPORT.

HIGHLIGHTS: The enlargement of the baggage/claim area is to accommodate the expected increase in passenger traffic in the foreseeable future.

Resolution Book No. 12 at page ~~11~~ 9.

- E. RESOLUTION NO. 80-11 - RESOLUTION APPOINTING MEMBER TO THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD.

HIGHLIGHTS: This resolution will reappoint Dr. Roy F. Roberts as a member of the Western North Carolina Regional Air Pollution Board.

Resolution Book No. 12 at page ~~12~~ 10

- F. RESOLUTION NO. 80-12 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF FIREMEN'S RELIEF FUND

HIGHLIGHTS: This resolution will reappoint Mr. T. Cecil Tallent to the Board of Trustees of Firemen's Relief Fund.

Resolution Book No. 12 at page ~~13~~ 11

- G. RESOLUTION NO. 80-13 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY.

HIGHLIGHTS: This resolution will reappoint Mr. Roy Meece as a member of the Asheville Transit Authority.

Resolution Book No. 12 at page ~~14~~ 1.

- H. RESOLUTION NO. 80-14 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD.

HIGHLIGHTS: This resolution will reappoint Mr. Walter J. Boggs as a member of the Metropolitan Sewerage District Board.

Resolution Book No. 12 at page ~~15~~ 1.

Upon motion of Councilman Cole, seconded by Councilman Wilkes the consent agenda was unanimously approved.

COMMENTS RELATIVE TO PROPOSED WEST ASHEVILLE MALL

Councilman Boland, referring to a proposed mall for West Asheville, said the public should make themselves aware of the impact the proposed mall will have on the downtown area.

Councilman Morris said the citizens should also make themselves aware of the consequences of having a mall in West Asheville as well as the consequences of a mall being built outside the City's zoning jurisdiction whereby Council would have no control.

Mayor Trantham advised that Council would not consider this issue again until a report is received from the Transportation Advisory Committee.

Herman Medler spoke to Council about the proposed plans for the mall stating that the current plans, being circulated, will not address the problems of access to the proposed mall.

There being no further business, Vice-Mayor Morris moved that the meeting be adjourned. This motion was seconded by Councilwoman Price and carried unanimously.

Adjournment.

Raym. Trantham
MAYOR

William J. McCallister
CITY CLERK

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1156. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1156 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1156. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1156 passed on third and final reading.

Complete text of Ordinance No. 1156 will be found in Ordinance Book No. 9 at page 94.

APPEAL OF FANNIE M. TRANTHAM - RULING BY BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

4. A hearing was held relative to the appeal of Fannie M. Trantham (Pinner) relative to a ruling by the Board of Trustees of the Asheville Policemen's Pension and Disability Fund.

Mayor Trantham advised that to his knowledge there is no relationship between him and the appellant.

Mr. S. Thomas Walton, attorney representing Fannie M. Trantham (Pinner), said this matter was brought before the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund by petition in 1978. He said Fannie M. Trantham was married to Lonnie G. Trantham when Mr. Trantham died on April 23, 1940. He said Mr. Trantham was employed by the Asheville Police Department when he died and for fifteen months preceding his death. He said according to the Policemen's Pension Act which was established in 1939, Mrs. Trantham should have received widow's benefits pursuant to Section 7 of the Act. He said Mrs. Trantham, in fact, never received anything under the Act. He said a controversy arose during the hearings of the Board of Examiners and Board of Trustees relative to Mr. Trantham being employed by the City. He said no personnel records relative to Mr. Trantham's employment could be found by the City. He said a copy of Mr. Trantham's identification card could be produced. He also presented an affidavit from A. R. (Pitt) Sluder stating that Mr. Trantham was an employee of the Asheville Police Department. He said Mrs. Trantham did not know she was entitled to the benefits and no city official contacted her about the benefits. He said Mrs. Trantham (Pinner) died in February, 1979 after presenting the petition to the Board of Examiners in 1978. He said Mr. Harold Trantham is pursuing the case as Administrator of Mrs. Trantham (Pinner). He said his client is requesting Mrs. Trantham's widow's benefits up until the time she remarried on November 25, 1944 or the rightful sum of \$8,800 with 6% interest. He said the Board of Examiners and the Board of Trustees denied the claim on the basis of Statute of Limitations. He said, however, in his opinion and from research, under a pension act, Statute of Limitations does not start to run until a claim is presented and denied. He said this is the only time a claim has been filed and denied.

Thursday - January 31, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Bolland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 24, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the January 24, 1980 meeting were approved as submitted.

ORDINANCE NO. 1153 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE BEAVERDAM VALLEY AREA

2. Consideration was given to the third and final reading of Ordinance No. 1153, an ordinance imposing a moratorium on development in the Beaverdam Valley area.

Mayor Trantham said the ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1153 passed on third and final reading.

Complete text of Ordinance No. 1153 will be found in Ordinance Book No. 9 at page 90.

ORDINANCE NO. 1156 - AN ORDINANCE TO AMEND ORDINANCE NO. 965 ESTABLISHING A GRIEVANCE PROCEDURE FOR EMPLOYEES OF THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance to amend Ordinance No. 965 establishing a grievance procedure for employees of the City of Asheville.

The City Manager read the ordinance explaining that this amendment will only change the terms in the Grievance Procedure from "Personnel Division" to "Employee Services Division" and "appointing authority" to "department head."

Councilman Bolland moved for the adoption of Ordinance No. 1156. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1156 passed on first reading.

Council discussed the income limits set for Buncombe County under the HUD Section 235 Program.

Councilwoman Price said recent increases in the cost of home rehabilitation due to inflation have created hardship for low and moderate income owner-occupant residents applying for Housing Rehabilitation Grants and this amendment is geared to help save more homes in the East End area and catch up with inflation.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-17 was unanimously adopted.

Complete text of Resolution No. 80-17 will be found in Resolution Book No. 12 at page 16.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received January 25, 1980 for two (2) solid state Traffic Signal Controls.

HIGHLIGHTS: Four (4) bids were received. Recommendation of acceptance of low bid submitted by Southeastern Safety Supplies in the amount of \$8,375.00. Funding: Revenue Sharing Trust Fund - Public Works - Traffic Engineering Division - budgeted \$8,500.

- B. Approval of bids received January 25, 1980 for sixty (60) coin operated lockers for Montford Recreation Center.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of lowest fully responsive bid submitted by American Locker Security Systems, Inc. in the amount of \$4,893.78. Funding: Carry-over Model Cities Funds - Parks and Recreation - Montford Recreation Center.

- C. Approval of bids received January 28, 1980 to furnish and install two-way radio communications equipment for Asheville Fire Department.

HIGHLIGHTS: One bid received. Recommendation of acceptance of bid submitted by Motorola, Inc. in the amount of \$32,577. Funding: Revenue Sharing Trust Fund - Fire Department - Capital Outlay - budgeted \$35,786.

Upon inquiry of Council, Mr. Walton said he had not personally checked the city's personnel records relative to Mr. Trantham's employment because he did not feel it was necessary. He said in his opinion the City should have contacted Mrs. Trantham about her rights to pension benefits. He said Mrs. Pinner and Harold Trantham, Mrs. Pinner's son, have both said no pension benefits were ever paid to Mrs. Trantham (Pinner).

Robert J. Robinson, attorney representing the Board of Trustees of the Asheville Policemen's Pension Fund, said a long period of time elapsed between Mr. Trantham's death and the time the claim was presented. He said the 38-year time period is the important factor in presenting evidence for the case. He said in his opinion in 1940, a stroke while on duty was not considered a disability in the line of duty. He said Mr. Trantham would not have been eligible for non-line of duty benefits because one had to be employed at least three years to qualify. He said the Pension Act was newly enacted at the time of Mr. Trantham's death and it is apparent that everyone would have known the benefits of the plan and Mrs. Trantham apparently felt she was not entitled to benefits or she would have inquired about her rights.

After a brief discussion, Councilman Wilkes moved to affirm the ruling of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 80-16 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR AN ENRICHMENT GRANT FOR REID MEMORIAL AND STEPHENS-LEE RECREATION CENTERS

5. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for an enrichment grant for Reid Memorial and Stephens-Lee Recreation Centers.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-16 was unanimously adopted.

Complete text of Resolution No. 80-16 will be found in Resolution Book No. 12 at page 15.

Councilman Boland said he would like to see grant funds, similar to this one, applied to other areas of the city such as in the Weaver Park area.

RESOLUTION NO. 80-17 - RESOLUTION AMENDING AND APPROVING PROGRAM ELIGIBILITY REQUIREMENTS IN THE ASHEVILLE COMMUNITY DEVELOPMENT REHABILITATION GRANT PROGRAM CONTRACT

6. Consideration was given to a resolution amending and approving program eligibility requirements in the Asheville Community Development Rehabilitation Grant Program contract.

The City Manager read the resolution.

- I. Resolution No. 80-19 - Resolution of intent to close an unnamed alley located off Biltmore Avenue and calling a public hearing on the question for February 28, 1980.

HIGHLIGHTS: A petition has been received from St. Joseph's Hospital to close an alley located off Biltmore Avenue. There are no other property owners adjoining the alleyway except the petitioner and the alley has never been opened, accepted by any public authority, developed or used for street purposes, and serves no purpose for street or roadway.

Resolution No. 12 Page 18

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

RECONSIDERATION OF ORDINANCE NO. 1152-AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property at the corner of Patton and Pearl Streets)

8. NOTE: On January 24, 1980, Ordinance No. 1152 failed on second reading with Mayor Trantham, Councilman Cole and Councilman Brownlee voting "aye" and Vice-Mayor Morris, Councilwoman Price, Councilman Boland, and Councilman Wilkes voting "no."

Councilman Wilkes said in the past week he had given additional thought to the rezoning of the property at Patton and Pearl Streets for the construction of a new Greyhound bus terminal. He said he had personally visited alternate sites for the bus terminal and hoped that other Council members would do the same.

Councilman Wilkes moved that Council reconsider the second reading of Ordinance No. 1152. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Boland said he was still in favor of supporting the Revitalization Plan. He urged the Trailways Company, Greyhound Company, Asheville Transit Authority, and the Asheville Revitalization Commission to get together soon to examine the possibility of a new mass transit center.

Mayor Trantham recommended that notice be given, by publication, that Council will reconsider the second reading of Ordinance No. 1152.

Councilwoman Price moved that reconsideration of the second reading of Ordinance No. 1152 be given on February 21, 1980. This motion was seconded by Councilman Cole and carried unanimously.

Councilwoman Price moved that the Planning Director consult with the Trailways Company, the Greyhound Company, Mr. Harold Talbert, Asheville Transit Authority, and the Asheville Revitalization Commission, to see if they would be willing to meet to consider long range plans for a mass transit center. She requested that a recommendation from the above be received by Council on February 21, 1980. This motion was seconded by Councilman Boland and carried unanimously.

- D. Approval of bids received January 28, 1980 for one (1) one-ton truck for Water Meter Services Division.

HIGHLIGHTS: Four (4) bids were received. Recommendation of acceptance of low bid submitted by Apple Tree Chevrolet in the amount of \$9,655.74.

- E. Approval of bids received January 28, 1980 for two (2) four-wheel drive vehicles and eight (8) one-half ton trucks for Water Meter Services Division.

HIGHLIGHTS: Five (5) bids were received. Recommendation of acceptance of low bids on a per item basis. Apple Tree Chevrolet in the amount of \$31,067.36 and Matthews Motors in the amount of \$24,430.64.

- F. Resolution No. 80-18 - Resolution authorizing the Director of Parks and Recreation to seek grant funding from the North Carolina Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: This will authorize the Director of Parks and Recreation to submit an application to the North Carolina Youth Advisory Council for a Mini-Grant, in the amount of \$268.32, for the Asheville-Buncombe County Youth Council to expend for financing the transportation for a youth delegation from North Carolina to attend Convention II in Washington, D. C. on February 13-16, 1980.

Resolution Book No. 12 Page 17

- G. Approval of a budget amendment amending the City of Asheville 1979-80 Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$175.00, will transfer funds from the Print Shop capital outlay budget to pay for the installation of a switch and cable on the dictating equipment used by the Director of the Department of Administration.

- H. Approval of a budget amendment amending the City of Asheville 1979-80 Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$2,328, will transfer funds from the Print Shop Capital Outlay budget to pay for the installation and first three months rent on a word processing system.

COMMENDATION FOR THE STREET DIVISION

Mayor Trantham commended the Street Division for their efforts in clearing the streets of the snow and ice.

ADJOURNMENT

Councilwoman Price moved that the meeting be adjourned. This motion was seconded by Councilman Cole and carried unanimously.

Adjournment.


MAYOR


CITY CLERK

DEMOLITION OF 230 MONTFORD AVENUE - DISCUSSION

9. Councilman Boland said he had been contacted relative to the demolition of 230 Montford Avenue. He said it is his understanding that Council had voted to demolish the house and he had been informed that a couple was now interested in purchasing the house. He said the Preservation Society has expressed an interest in preserving the house.

Corporation Counsel Moore reviewed the background of the vote to demolish 230 Montford Avenue for the benefit of the newly elected Council members.

After a lengthy discussion, the City Manager suggested that the Building Inspector proceed with the enforcement of the ordinance to demolish 230 Montford Avenue and that the Building Inspector report the progress of the demolition process at the Council meeting on February 7, 1980. He said during the interim period anyone interested in purchasing the dwelling could state their intentions to Council.

It was the consensus of Council to proceed with the recommendations of the City Manager.

Councilman Boland suggested that the Chairman of the Preservation Society be advised of Council's intentions relative to the demolition of 230 Montford Avenue.

PROCLAMATION - 1980 - YEAR OF THE VOLUNTEER

10. Mayor Trantham proclaimed 1980 as the Year of the Volunteer.

BIDS - TWO (2) TRAILER MOUNTED ENGINE DRIVE SUCTION UNITS FOR VACUUM COLLECTION AND MULCHING OF LEAVES

11. Consideration was given to bids received January 29, 1980 for two (2) trailer mounted engine drive suction units for vacuum collection and mulching of leaves.

The City Manager read a recommendation from the Purchasing Agent which stated that only one (1) responsive bid was received. A second bid was submitted but does not meet bid specifications in a number of areas. It was recommended that the fully responsive bid submitted by North Carolina Equipment Company in the amount of \$25,850.00 be accepted.

The City Manager reviewed the areas in which the second bid did not meet specifications.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent and award the bid to North Carolina Equipment Company in the amount of \$25,850.00. This motion was seconded by Councilman Cole and carried unanimously.

Mr. Emrick read two letters and a petition from residents in the area opposing the rezoning of the property requested by the petitioner, Mr. B. C. Morton. The petition stated that the rezoning would increase traffic and decrease property values. Mr. Emrick said, according to the petition, the residents did not oppose the rezoning of property recommended by the Planning and Zoning Commission, only the entire tract. He said the Planning and Zoning Commission recommended the rezoning of the lots fronting on Haywood Road.

Mr. Bill Biggers, attorney representing Mr. B. C. Morton, said Mr. Morton is in the wholesale and retail appliance parts business. He said Mr. Morton would like to renovate his business and eventually proposes to build a new business. He said his client has been unable to compromise with the residents relative to the rezoning. Therefore, his client is withdrawing his appeal to rezone the entire area and requesting that Council approve the recommendation of the Planning and Zoning Commission to rezone the lots fronting on Haywood Road from CH Commercial Highway to CS Commercial Service. He said if Council approves the rezoning Mr. Morton can proceed with his renovations.

Christine Mashburn of 25 Cloyes Street said the residents oppose the rezoning of the entire tract requested to be rezoned. She said they have no objections to the rezoning as recommended by the Planning and Zoning Commission. She said they did not want buildings constructed that would be detrimental to the neighborhood, such as convenience stores. She said the residents also object to the entrance to the property being from Cloyes Street. She said the entrance should be from Haywood Road.

Mr. Biggers assured Council that the entrance to the business would be from Haywood Road.

Mr. B. C. Morton, owner of the property, spoke in support of the rezoning. He said if the property is rezoned he could move his wholesale area to front on Haywood Road. He said under the present zoning a wholesale business is not permitted.

Mr. Seay of Cloyes Street, spoke in opposition to the rezoning.

Mrs. Helen Eagle of 24 Dysart Street also spoke in opposition to the rezoning of the residential area originally requested to be rezoned by the petitioner.

Peggy Erickson of 19 Dysart Street also opposed the original request to rezone the residential area.

Mayor Trantham closed the public hearing at 5:00 p. m.

Verl Emrick read the ordinance rezoning the area recommended by the Planning and Zoning Commission.

Councilwoman Price moved for the adoption of Ordinance No. 1157. This motion was seconded by Councilman Boland.

On a roll call vote of 6-1, Ordinance No. 1157 passed on first reading, with Councilman Wilkes voting "no."

005

Thursday - February 7, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, **Associate City Manager/Clerk Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.**

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 31, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, the minutes of the January 31, 1980 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY AT THE CORNER OF HAYWOOD ROAD AND CLOYES STREET-MR. B. C. MORTON

ORDINANCE NO. 1157 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property at the corner of Haywood Road and Cloyes Street for Mr. B. C. Morton.

Mayor Trantham opened the public hearing at 4:12 p. m.

The Assistant City Manager presented the notice to the public and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said in September, 1978, Mr. B. C. Morton requested rezoning of property on Haywood Road and Cloyes Street from R-3 Residential District and CH Commercial Highway District to CS Commercial Service District. After the public hearing on the issue Council tabled the matter indefinitely giving Mr. Morton and the neighborhood an opportunity to resolve their differences. Mr. Morton in October, 1979 requested that the matter be considered again by Council. Council then referred the matter back to Planning and Zoning Commission because it had been longer than one year since Council discussed the issue. At the December 5, 1979 meeting of the Planning and Zoning Commission, the Commission voted to reaffirm its previous recommendation that a portion of the property be rezoned and a portion remain zoned R-3 Residential District. ~~He~~ **said** Mr. Morton, through his attorney, Mr. Biggers, appealed the decision of the Planning and Zoning Commission.

Corporation Counsel Moore suggested that during the interim period that a waiver be signed by Mrs. Bryan, Mr. Don Mayer, Mrs. Bryan's attorney, Bruce and Betsy Roberts, and Mr. Bob Orr, the Roberts' attorney, releasing the City of any liability claims.

RESOLUTION NO. 80-20 - RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS
SANITATION DIVISION EQUIPMENT

4. Consideration was given to a resolution authorizing the disposition of surplus sanitation division equipment.

The Assistant City Manager read the resolution explaining that the Sanitation Division has one (1) 1971 Heil Rearloader Body and one (1) Ford Dumpmaster Front Loader that is no longer needed. He said this resolution will authorize the City Manager to dispose of this equipment by selling the rearloader body to the City of Hendersonville for \$500 and accepting sealed bids for the front loader.

Upon motion of Vice-Mayor Morris, seconded by Councilman Brownlee, Resolution No. 80-20 was unanimously adopted.

Complete text of Resolution No. 80-20 will be found in Resolution Book No. 12 at page 19.

RESOLUTION NO. 80-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A USE AND
OCCUPANCY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE
RELOCATION OF TOWN MOUNTAIN ROAD

5. Consideration was given to a resolution authorizing the City Manager to sign a use and occupancy agreement with the North Carolina Department of Transportation for the relocation of Town Mountain Road.

The Assistant City Manager read the resolution explaining that the North Carolina Department of Transportation has placed in their roadway contract for the relocation of Town Mountain Road the following city owned utility lines: 1) A ten inch water line along Poplar Street; 2) A four inch water line in Woodfin Street; and 3) A six inch sanitary sewer line crossing Y-6 revised at Station 25 + 15. It is necessary for the City of Asheville and the Division of Highways to agree in writing as to the terms regarding the use and occupancy of these lines that will be within the highway right-of-way.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-21 was unanimously adopted.

Complete text of Resolution No. 80-21 will be found in Resolution Book No. 12 at page 20.

BIDS - ONE (1) SUBCOMPACT FOUR-DOOR SEDAN - WATER BILLING DIVISION

6. Consideration was given to bids received January 29, 1980 for one (1) subcompact four-door sedan to be used in the Water Billing Division.

REPORT - PROGRESS OF DEMOLITION OF 230 MONTFORD AVENUE - ORDINANCE NO. 1129

3. Mr. J. E. Johnson, Building Inspector, said as instructed on January 31, 1980 he began an inventory process on February 1, 1980 of the contents of 230 Montford Avenue as instructed by the adoption of Ordinance No. 1129. He said the property was posted at 10:00 a. m. on February 1, 1980. He said a dog was found in the house and a dog warden picked up the dog at 12:15 p. m. He said orders were given that Mrs. Bryan, the owner of 230 Montford Avenue, could pick her dog up at the Animal Shelter at no charge and Mrs. Bryan was so informed. He said there was a misunderstanding at the Animal Shelter relative to Mrs. Bryan's dog, which has been cleared up.

Mr. Johnson said he is making an inventory of the contents of the house and items of value have been placed in the City's safe in the Finance Department.

Mr. Johnson said they have only cleared out the downstairs of the house and have hauled off 9 loads, 90 cubic yards, of trash. He said they now have two and one-half rooms of furniture.

Mr. Johnson said it would be at least two weeks before a contract could be let on demolishing the house. He said the inventory would be appraised by two individuals. He said the cost of the demolition process would be placed as a lien on the property.

Bob Orr, attorney representing Bruce and Betsy Roberts, presented a contract signed by the Roberts' and Mrs. Edith Bryan for the Roberts to purchase the house at 230 Montford Avenue along with its contents, contingent upon the Council agreeing to amend Ordinance No. 1129 giving the Roberts' a period of 30 days to clean out the premises at their expense, giving them 60 days to commence bringing the house up to code standards, with renovations being completed by the end of 1980. He said they would also request that the proposed lien on the property be waived if the building is brought up to code standards within the time specified. He said if Council agrees to these conditions a closing date of February 13, 1980 is set.

Mr. Orr said if Council agrees to these conditions the City would not have to invest any more time or money to this matter. He said if the house is torn down, a narrow vacant lot would exist which could not be sold or built upon. He said if the house is restored the tax value would increase. He said if the terms of the agreement are not met Council could then proceed with the demolition.

Donald Mayer, attorney representing Mrs. Edith Bryan, urged Council to approve the contingents of the contract presented by Mr. Orr. He said Mrs. Bryan is now willing to sell the house to the Roberts'.

William C. Moore, Corporation Counsel, said he did not think the City could legally waive the proposed lien. He said Council could not amend the ordinance at today's meeting because according to the City Charter, a new ordinance would have to be drawn amending the present ordinance which would require a public hearing process.

After considerable discussion, it was the consensus of Council to slow down the cleaning process at 230 Montford Avenue until the attorneys could get together and work out the legal process that would be necessary to save the house. Council requested that a report be given at next week's Council meeting.

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The Assistant City Manager read a recommendation from the Purchasing Agent which stated that three (3) bids were received and recommended the low bid submitted by Apple Tree Chevrolet, Inc. in the amount of \$5,115.32.

Councilwoman Price moved to accept the recommendation of the Purchasing Agent awarding the bid to Apple Tree Chevrolet, Inc. in the amount of \$5,115.32. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING SCHEDULED - 6TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

7. Consideration was given to a motion scheduling a public hearing relative to the 6th Year Community Development Block Grant Application for February 21, 1980.

The Assistant City Manager said this public hearing is required by HUD to receive public comments for the Grantee Performance Record, the Housing Assistance Plan and the Sixth Year Community Development Application.

Vice-Mayor Morris moved to schedule a public hearing relative to the 6th Year Community Development Block Grant Application for February 21, 1980. This motion was seconded by Councilwoman Price and carried unanimously.

PROCLAMATION - FIRE EDUCATION AWARENESS WEEK - FEBRUARY 11-17, 1980

Mayor Trantham proclaimed the week of February 11 - 17, 1980 as Fire Education Awareness Week.

Councilman Cole moved that the meeting be adjourned. This motion was seconded by Councilman Wilkes and carried unanimously.

Adjournment.

Raym Trantham
MAYOR

William F. Holcott
CITY CLERK

Vol. 74

1980

Pass. Not Cons.

Vol. 47

1980

Pgs. Not Cons.



CITY OF ASHEVILLE

DEPARTMENT OF ADMINISTRATION

MEMORANDUM TO: Ken Michalove, City Manager
 FROM: Bob Wurst, Budget Director *Bd*
 DATE: June 12, 1980
 SUBJECT: Effect of County Budget Proposals

1. Asheville/Buncombe Revitalization Fund

Funding of the Pack Square Project is approved as follows:

C/D - ARC Funding	\$162,500
County Participation	351,440
Sale of Fixed Assets - Library	114,120
Sale of Fixed Assets - Other	76,500
City Capital Reserves - Sinking Fund	<u>59,440</u>

Project Total	<u>\$764,000</u>
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The County funding level of \$351,440 meets their commitment to fund such projects based on a percentage of the current tax rate. The budget for this project is subject to change on receipt of bids.

2. Library

The proposal to fund 100% of the Library operating cost is two years ahead of the previous commitment of reducing the City's share by 10%/year as follows:

1976/77	60%
1977/78	50%
1978/79	40%
1979/80	30%
1980/81	20%
1981/82	10%
1982/83	-0-

This decision will save the City approximately \$180,000 which was provided as a contingency in the General Revenue Sharing Trust Fund.

Thursday - June 12, 1980 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (due to personal commitment)

INVOCATION

The invocation was given by Councilman F. Jack Cole.

RESOLUTION NO. 80-105 - RESOLUTION IN MEMORY OF C. FRED BROWN

1. Consideration was given to a resolution in memory of C. Fred Brown, a former member of the Asheville City Council who passed away on June 10, 1980.

Vice-Mayor Ralph D. Morris, Jr., read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 80-105 was unanimously adopted.

Complete text of Resolution No. 80-105 will be found in Resolution Book No. 12 at page 123.

APPROVAL OF THE MINUTES

2. Approval of the minutes of the June 5, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the June 5, 1980 meeting were approved as submitted.

PUBLIC HEARING - CITY OF ASHEVILLE BUDGET FOR 1980-81

3. A public hearing was held relative to the City of Asheville Budget for 1980-81.

Vice-Mayor Morris opened the public hearing at 4:07 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said the budget and budget message was presented to Council on May 29, 1980 at which time the major items contained in the budget message was discussed in detail. He said a copy of the 1980-81 budget as well as the budget letter is available for anyone wishing to obtain a copy.

The City Manager requested that the following correspondence be included in the minutes and made a part of the public hearing.:

Ken Michalove
June 12, 1980
Page Three

5. Sinking Fund Commission

The City's share of close-out costs for Fiscal 1979/80 of the Sinking Fund Commission is \$4,800. No funding is provided in the Fiscal 1979/80 budget, however, this amount can be appropriated from contingency.

6. City-County ID Bureau

The City had provided \$20,000 for Fiscal 1979/80 and \$23,500 for 1980/81 so no significant short fall will occur. The law establishing the Bureau calls for the City and County to review the ID Bureau's budget as any other City or County department and increase or decrease requests at their discretion.

7. Sale of Old Pack Library

The City had anticipated using the full proceeds of the sale of the old library building (\$114,120, see 1 above) toward the Pack Square project. While there was no formal agreement, a 1974 joint press release by the City and County called for 61.78% of the proceeds or \$70,503 to be paid to the County. It is planned to make up the difference in the Pack Square project by transferring an additional \$70,503 from capital reserves.

BW:msb
Attachment

Ken Michalove
June 12, 1980
Page Two

3. City-County Water Agreement

The City budget anticipates receiving \$400,000 from the County for Fiscal 1979/80 maintenance cost and \$800,000 for Fiscal 1980/81 for county maintenance as follows:

WATER OPERATING BUDGET

	<u>Fiscal 1979/80 Estimate</u>	<u>Fiscal 1980/81 Recommended</u>
Revenues	\$6,386,085	\$7,331,500
Less: Anticipated County Funding	<u>(400,000)</u>	<u>(800,000)</u>
	\$5,986,085	\$6,531,500
Appropriation	<u>\$6,111,535</u>	<u>\$7,331,500</u>
Deficit	<u>(\$ 125,450)</u>	<u>(\$ 800,000)</u>

The loss of a total of \$1,200,000 will significantly affect the City's current program of maintaining, replacing, and up-grading the Water System. The Water Operating budget, to include water rates, may be changed at any time during the year. A complete evaluation of the short and long range effects of this loss of revenue is needed and recommendations for changes in the Water budget will be necessary.

4. Board of Tax Supervision

The budget presented to Council anticipates the City funding the Board of Tax Supervision at 40% of its estimated cost of Fiscal 1980/81 as follows:

Total Board Budget	\$770,725
City's Share at 40%	\$308,290

The law establishing the Board calls for the City to provide 40% of the Board's costs unless the City and County otherwise agree. Prior to 1979/80, the City has been providing 35% of the funding under such an agreement. The Fiscal 1979/80 budget anticipated the City paying 1.5% of the funds collected by the Board or \$102,372. If the City pays 40% of the current year Board cost, a budget amendment for 1979/80 will be needed in the amount of \$184,628 to provide such funding.

Ken Michalove
June 4, 1980
Page Two

Attached is an invoice showing the costs incurred by the above-identified departments through May 30, 1980, and the City's share of each. The City will be invoiced for June costs early in July.

Would you please send me the City's check for the indicated amount, plus the County's share of the Pack Library sale.

The estimated charges to the City for fiscal year 1980/81 are shown below.

Board of Tax Supervision	\$308,889.00
Identification Bureau	\$ 22,548.00

WFT/jm

WFT/jm

Attachment

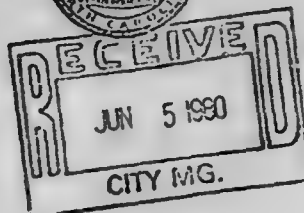
cc: Larry Fisher
Robert Wurst

CHAIRMAN AND COMMISSIONER OF FINANCE

CARY C. OWEN
COMMISSIONER

DORIS P. GIEZENTANNER
COMMISSIONER

WILLIAM F. TAYLOR
DIRECTOR OF FINANCE



151
J.W. "BILL" OGLESBY
COMMISSIONER

Z.R. SHEPPARD
COMMISSIONER

BOX 7245
COURTHOUSE
ASHEVILLE, NORTH CAROLINA 28807

June 4, 1980

To: Ken Michalove

From: W. F. Taylor

Subject: County Budget - FY 1979/80 and FY 1980/81

At their regularly scheduled meeting on Tuesday, June 3, 1980, the Commissioners made the following decisions and asked that I inform you regarding them:

1. The County will appropriate an additional \$210,500.00 into the Revitalization Fund, making a total of \$351,400.00. This is understood to be the County's share of the revitalization in the Pack Square area. Any future projects must be approved on a case by case basis.
2. The County will assume responsibility for 100% funding of the Library beginning in fiscal year 1980/81.
3. Since the City-County Water Agreement (which existed until June 30, 1979) is no longer in effect, they do not plan to make a contribution to the Water System or to the Water System Improvement Fund. This is true for both fiscal year 1979/80 and fiscal year 1980/81.
4. In accordance with North Carolina law, the City will be billed for forty (40%) per cent of the costs incurred by the Board of Tax Supervision in both FY 79/80 and FY 80/81.
5. In accordance with North Carolina law, the County will invoice the City for forty (40%) per cent of the costs incurred by the Sinking Fund Commission in FY 1979/80. There will be no costs in FY 80/81.
6. In accordance with the joint agreement reached many years ago, the County will invoice the City for fifty (50%) per cent of the costs incurred by the Identification Bureau in both FY 79/80 and FY 80/81.
7. In accordance with the agreement reached prior to the construction of the Library, the County expects the City to remit 61.78% of the net proceeds from the sale of old Pack Library.

-continued-

Ralph Bishop spoke to Council opposing a salary increase for Police Department employees, again referring to lottery peddlers operating in the City of Asheville.

Vice-Mayor Morris closed the public hearing at 4:15 p. m.

The City Manager read the ordinance.

Councilman Cole moved for the adoption of Ordinance No. 1170. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1170 passed on first reading.

PUBLIC HEARING - CLOSING AN UNNAMED CITY STREET IN WEST ASHEVILLE

RESOLUTION NO. 80-106 - RESOLUTION TO CLOSE A PORTION OF AN UNNAMED CITY STREET (Said street extending north from Hazel Mill Road to the right of way of N. C. State Highway Connector road leading to I-26 and I-40)

4. A public hearing was held relative to closing an unnamed city street in West Asheville.

Vice-Mayor Morris opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Ronald D. Brondyke, Attorney for the Petitioner, Wachovia Bank and Trust Company, N. A., Executor under the Will of G. E. Crouch, deceased, requested that the street extending north from Hazel Mill Road to the right of way of N. C. State Highway Connector road leading to I-26 and I-40, be permanently closed. He said this street has never been opened and the estate of G. E. Crouch owns all the property on both sides of the street with the street dead ending into the I-26 Connector right of way. He said the resolution to close the street will be subject to a right of way for an existing water and sewer line in favor of the City of Asheville. Said right of way being twenty (20) feet in width and lying on the extreme northern twenty (20) feet of the thirty (30) foot street.

Vice-Mayor Morris closed the public hearing at 4:19 p. m.

The Corporation Counsel read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, Resolution No. 80-106 was unanimously adopted.

Complete text of Resolution No. 80-106 will be found in Resolution Book No. 12 at page 124.

CHAIRMAN AND COMMISSIONER OF FINANCE

RY C. OWEN
COMMISSIONER

MORIS P. GIEZENTANNER
COMMISSIONER

WILLIAM F. TAYLOR
DIRECTOR OF FINANCE



J.W. "BILL" OGLESBY
COMMISSIONER

Z.R. SHEPPARD
COMMISSIONER

BOX 7245
COURTHOUSE
ASHEVILLE, NORTH CAROLINA 28807

June 4, 1980

City of Asheville
City Hall
Asheville, N. C. 28801

Attention Mr. Ken Michalove

INVOICE

	<u>TOTAL THROUGH MAY 31, 1980</u>	<u>CITY'S SHARE</u>
Board of Tax Supervision	\$657,476.00	\$262,990.00
Sinking Fund Commission	\$ 11,999.00	\$ 4,800.00
Identification Bureau	\$ 34,167.00	\$ 17,083.00

RESOLUTION NO. 80-108 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROJECT COMPLETION AGREEMENT FOR THE EAST RIVERSIDE REDEVELOPMENT PROJECT, N. C. R-48

7. Consideration was given to a resolution authorizing the Mayor to execute a project completion agreement for the East Riverside Redevelopment Project, N. C. R-48.

The City Manager read the resolution.

Larry Holt, Deputy Director of the Asheville Housing Authority, explained the highlights of the Project Completion Agreement stating that the agreement is for the financial settlement of the East Riverside Redevelopment Project, N. C. R-48.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 80-108 was unanimously adopted.

Complete text of Resolution No. 80-108 will be found in Resolution Book No. 12 at page 127.

APPROVAL OF THE CONSENT ACENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-109 - Resolution authorizing the Mayor to execute a right of way agreement with Gary Cooper Coffey of Asheville, North Carolina, concerning a sewer line.

HIGHLIGHTS: This encroachment agreement with Gary Cooper Coffey is for the purpose of constructing a six-inch sewer line to be constructed on American Way and Rash Road.

Resolution Book No. 12 Page 128.

- B. Resolution No. 80-110 - Resolution authorizing the Mayor to execute a right of way agreement with Beacon Manufacturing Company of Asheville, North Carolina concerning a water line.

HIGHLIGHTS: This encroachment agreement with Beacon Manufacturing Company is for the purpose of constructing a water line off Swannanoa River Road.

Resolution Book No. 12 Page 129.

PUBLIC HEARING - REVIEW AND ENDORSEMENT OF A TRANSITION PLAN FOR THE ELDERLY AND HANDICAPPED

RESOLUTION NO. 80-107 - RESOLUTION ENDORSING THE CITY OF ASHEVILLE'S TRANSITION PLAN FOR THE ELDERLY AND HANDICAPPED

5. A public hearing was held relative to the review and endorsement of a transition plan for the elderly and handicapped.

Vice-Mayor Morris opened the public hearing at 4:25 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Owenby, of the Planning Department, said the Department of Transportation and the Urban Mass Transportation Administration has evaluated the accessibility of mass transit and has requested that all urban and non-urban areas receiving financial assistance develop a plan for accessibility. He said their guidelines require that all buses be equipped with wheel chair lifts for elderly and handicapped. He said the Planning Division is in the process of preparing a grant for ten new city buses which will be equipped with wheel chair lifts and it is anticipated that the buses will be in operation by the summer of 1982.

Vice-Mayor Morris closed the public hearing at 4:36 p. m.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-107 was unanimously adopted.

Complete text of Resolution No. 80-107 will be found in Resolution Book No. 12 at page 126.

BUDGET AMENDMENT - WATER AND SEWER CAPITAL CONSTRUCTION FUND - AMERICAN WAY/RASH RD.

6. The City Manager presented a budget amendment amending the Water and Sewer Capital Construction Fund Budget.

The City Manager said this budget amendment, in the amount of \$37,720, is to fund the American Way/Rash Road Sewer Line, a project badly needed in this area. This project was originally slated to be funded last fall at the time of the Capital Construction Fund Ordinance; however, there was a right of way acquisition problem which has recently been obtained.

Councilman Brownlee moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-112
RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION
(Mrs. Barbara Keleher)

9. Consideration was given to a resolution appointing a member to the Asheville Area Civic Center Commission.

The City Manager read the resolution reappointing Mrs. Barbara Keleher as a member of the Asheville Area Civic Center Commission.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-112 was unanimously adopted.

Complete text of Resolution No. 80-112 will be found in Resolution Book No. 12 at page 131.

RESOLUTION NO. 80-113 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION (Mr. Marvin Chambers)

10. Consideration was given to a resolution appointing a member to the Asheville Area Civic Center Commission.

The City Manager read the resolution reappointing Mr. Marvin Chambers as a member of the Asheville Area Civic Center Commission.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 80-113 was unanimously adopted.

Complete text of Resolution No. 80-113 will be found in Resolution Book No. 12 at page 132.

CLAIMS - WILLIAM P. TREUSCH - PEGGY HOLLAND RAMSEY - MARY ANN NOBLETT - CARL McINTOSH - BILLY E. FRANKS

11. The City Manager presented claims received from William P. Treusch, Peggy Holland Ramsey, Mary Ann Noblett, Carl McIntosh, and Billy E. Franks.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION- FLAG DAY THROUGH INDEPENDENCE DAY - PERIOD OF HONOR AMERICA

12. Vice-Mayor Morris proclaimed the twenty-one days, Flag Day through Independence Day, as a period of Honor America.

RESOLUTION NO. 80-114 - RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE BUNCOMBE COUNTY EMPLOYMENT AND TRAINING OFFICE FOR COMPREHENSIVE EMPLOYMENT TRAINING ACT FUNDS FOR FISCAL YEAR 1980-81

12. Consideration was given to a resolution authorizing the submission of an application to the Buncombe County Employment and Training Office for Comprehensive Employment Training Act Funds for Fiscal Year 1980-81.

- C. Resolution No. 80-110 - Resolution authorizing the Mayor to execute a contract for general consultant engineering services with Burmeister, Wright, and Associates, P. A.

HIGHLIGHTS: The proposed contract will be for general consultation and project engineering services. Payment will be for the work actually performed with no retainer involved.

Resolution Book No. 12 page 130

- D. Scheduling of a public hearing relative to the rezoning of property located on Clayton Street for July 10, 1980.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held June 4, 1980 considered the request of Attorney George Saenger, for Lowell Pearlman (Purchaser), and John Joyner (Owner), that Ward 2, Sheet 16, Lot 167, be rezoned from R-4 High Density Residential District to CG Commercial General District. After discussing the issues of this request, the Commission voted to recommend to City Council that Ward 2, Sheet 16, Lot 167, and Lot 168 be rezoned from R-4 High Density Residential District to CG Commercial General District. Commission recommends including Lot 168 to keep uniformity to the zoning boundary lines.

- E. Scheduling of a public hearing relative to rezoning property at the corner of Emma Road and Bingham Road for July 10, 1980.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held June 4, 1980, considered the request of Mr. and Mrs. Eugene Silver that their property located at the corner of Emma Road and Bingham Road be rezoned from LI - Light Industrial District to R-5 Residential District. After discussing the issues of this request, the Commission voted to recommend to City Council that Ward 12, Sheet 6, Lot 25, be rezoned from LI - Light Industrial District to R-5 Residential District.

- F. Approval of bids received May 23, 1980 for two (2) subcompact 4-Cylinder, 2-door sedans to be used in Water Production and Quality Control Division.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of the fully responsive low bid submitted by Rudy Pelle Datsum, Inc., in the amount of \$9,663.40. Funding: Water and Sewer Services, Water Production and Quality Control Division - Capital Outlay Equipment - Account Code 30-50-750.0074.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

Thursday - June 19, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding;
Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr. (out-of-town)

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 12, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the June 12, 1980 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT - "445 BILTMORE CENTER"

2. A public hearing was held relative to the site plan of "445 Biltmore Center."

Mayor Trantham opened the public hearing at 4:09 p. m.

The City Manager presented the notice to the public setting the time and date of the public hearing.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at its meeting on June 4, 1980 reviewed the site plan of "445 Biltmore Center" and recommended approval of the plan subject to the following requirements:

1. Erosion Control Ordinance;
2. Final approval from N. C. Department of Transportation on encroachment agreements;
3. Modify the entrances to parking deck from Biltmore Avenue to reflect one-way in for auto traffic entering the parking deck;
4. Clearance on pedestrian walkway should be no less than 30' above Biltmore Avenue;
5. Evidence of recordation of joint driveway agreements between the developers and General Medical of Asheville; and
6. Compliance with Department of Water and Sewer Service's request for 8" ductile iron sewer pipe.

Mr. James W. Cogdell, Developer of the Project, explained that the proposed project would be an office complex with 20,000 square feet on each floor. He said a hotel complex would be on the top floor to be rented to out of town families or visitors of patients in the hospitals.

The City Manager read the resolution.

John Miall, Training Coordinator of the Employee Services Department, explained that the application to be submitted will seek funding in support of training activities for a Personnel Services Officer Trainee, a Fire Cadet Trainee, a Police Cadet Trainee, and a Computer Programmer I Trainee.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-114 was unanimously adopted.

Complete text of Resolution No. 80-114 will be found in Resolution Book No. 12 at page 133.

CITY COUNCIL MEETING CANCELLED FOR JULY 3, 1980

14. Councilwoman Price moved that the regularly scheduled meeting of the Asheville City Council for July 3, 1980 be cancelled. This motion was seconded by Councilman Cole and carried unanimously.

RALPH BISHOP - COMMENTS RELATIVE TO THE ASHEVILLE POLICE DEPARTMENT

15. Ralph Bishop again made comments relative to the Asheville Police Department being corrupt.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Boland, the meeting adjourned at 5:15 p. m.

 MAYOR  CITY CLERK

Larry Holt, Deputy Executive Director of the Housing Authority, said Disposal Parcel 119 is located at the corner of Livingston Street and Victoria Road. He said Dr. Israel and Dr. McDonough propose to build a two story office/complex on this parcel. He said the office/complex will contain a total of 5,850 square feet at an estimated cost of \$360,000.

Councilman Wilkes opposed the sale of Disposal Parcel 119 for commercial use, stating that he would like to see the property revert back to single family residential use. He said there seems to be a monopoly on medical profession facilities in this area.

After discussion relative to the uses in the East Riverside Renewal area, Councilman Boland moved to approve the sale of Disposal Parcel 119 in the East Riverside Renewal Project to APS Developers in the amount of \$100,000. This motion was seconded by Councilwoman Price, which motion carried on a voice vote of 5-1, with Councilman Wilkes voting "no."

RESOLUTION NO. 80-115 - RESOLUTION DECLARING CERTAIN HOLIDAYS AS FREE PARKING DAYS FOR DOWNTOWN ASHEVILLE

5. Consideration was given to a resolution declaring certain holidays as free parking days for downtown Asheville.

The City Manager read the resolution explaining that the resolution will expand the free parking days for downtown Asheville to include: New Years Day, Washington's Holiday, Easter Monday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving (the day after), and Christmas (December 24, 25, and 26.)

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-115 was unanimously adopted.

Complete text of Resolution No. 80-115 will be found in Resolution Book No. 12 at page 134.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-116 - Resolution authorizing the Mayor to execute a right of way agreement with the necessary people in order to construct a sanitary sewer line on Rash Road.

HIGHLIGHTS: These encroachments are needed for the construction of a sanitary sewer line on Rash Road.

Resolution Book 12 Page 135

Mr. Cogdell answered general questions from members of Council relative to the proposed project.

After discussion, Mayor Trantham closed the public hearing at 4:27 p. m.

Councilwoman Price moved to approve the site plan of the "445 Biltmore Center" subject to the requirements stipulated by the Planning Division. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1170 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1980-81

3. Consideration was given to the second reading of Ordinance No. 1170, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1980-81.

The City Manager said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Mr. Bob Buchholz, Chairman of Quality Forward, requested that Council fund an additional \$4,000 to their budget for fiscal year 1980-81. He said the additional funds would be used to staff one additional full-time employee, "Katie Clean-Up" of the Project Pride Program. He said this employee has been working on a volunteer basis and the program is such a success that it is their intent to hire the volunteer on a full-time basis. He introduced "Katie Clean-Up" to members of Council.

Mrs. Jean Webb, Executive Coordinator, explained the purpose of Project Pride.

Councilman Cole suggested that Quality Forward approach the school board for the additional funds as Project Pride seems to be more of an educational issue.

After discussion, Mayor Trantham advised Mr. Buchholz that Council would take their request under consideration.

Ralph Bishop again opposed an increase in salary for employees of the Asheville Police Department stating that the Asheville Police Department allows the lottery peddlers to have a wide-open operation. He also opposed any increase in salary.

On a roll call vote of 6-0, Ordinance No. 1170 passed on second reading.

SALE OF DISPOSAL PARCEL 119 - EAST RIVERSIDE RENEWAL PROJECT

3. Consideration was given to the approval of the sale of Disposal Parcel 119 in the East Riverside Renewal Project.

The City Manager presented a letter of recommendation from the Housing Authority stating that they have tentatively accepted the following bid for Disposal Parcel 119 in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
119	Commercial	\$100,000	\$100,000	APS Developers

Resolution No. 80-119

- E. Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Buchanan Concrete Contracting Company for the project known as South Pack Square Plaza.

HIGHLIGHTS: Bids were opened on the South Pack Square Plaza Project on June 11, 1980. Two (2) bids were received. Recommendation of acceptance of low bidder, Buchanan Concrete Construction Company in the amount of \$103,385.
Resolution Book 12 Page 138

- F. Approval of bids received June 16, 1980 for five (5) mobile radios installed for the Asheville Police Department.

HIGHLIGHTS: Only one (1) bid was received. Recommendation of acceptance of bid submitted by Motorola Communications and Electronics, Inc. in the amount of \$7,000.00. Funding: Revenue Sharing Trust Fund, Police Department Capital Outlay Equipment, Account Code 50-35-460.0074.

- G. Approval of bids received June 16, 1980 for Portable Burglary Robbery Stake Out Alarm for the Asheville Police Department.

HIGHLIGHTS: Only one (1) bid was received. Recommendation of acceptance of bid submitted by Sentry Watch, Inc. in the amount of \$3,500.00. Funding: LEAA Grant

- H. Approval of bids received June 16, 1980 for Chemicals for Treatment of Water from July 1, 1980 through June 30, 1981.

HIGHLIGHTS: Ten (10) bids were received. Chemicals to be delivered on an as needed basis. Bids submitted on estimated quantities. Recommendation of acceptance of low bidders on a per item basis:

<u>Item</u>	<u>Bidder (Low)</u>
Liquid Chlorine 200,000 lbs.	Moreland-McKesson Chemical Co. 11.50 cwt \$23,000
Caustic Soda 400,000 lbs.	Moreland-McKesson Chemical Co. 9.78 cwt \$39,120
Hydrofluorosilic Acid 280,000 lbs.	Ticar Chemical Company 77.60 per ton \$10,864.00
Dry Zinc Polyphosphate 108,800 lbs.	Shannon Chemical Company 52.87 cwt \$55,513.50
Liquid Cationic Polyelectrolyte 36,000 lbs.	Calgon Chemical Company .2871 per pd. \$10,335.60

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

Resolution No. 80-117

- B. Resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the James H. Drew Amusement Company for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: The James H. Drew Amusement Company wishes to provide amusement rides in the corporate limits of the City of Asheville from June 24-29, 1980 and the Asheville Buncombe County Youth Council has served as the sponsor of the company in 1979 and wishes to continue in such capacity. The Westgate Shopping Center has consented to donate space for these amusement rides and allow all sponsorship proceeds to be awarded the Asheville-Buncombe County Youth Council. This resolution authorizes the Mayor to enter into an agreement with the James H. Drew Amusement Company for the provision of amusement rides at the Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.

Resolution Book 12 Page 136

- C. Scheduling of a public hearing relative to the filing of an application with the Department of Transportation, United States of America, for a Capital Improvement Grant under the Urban Mass Transportation Act of 1964, as amended, for July 31, 1980.

HIGHLIGHTS: This public hearing will be held to receive public comments on the filing of a grant to allow for the purchasing of ten (10) air conditioned, lift equipped, diesel engine, transit buses for replacement purposes and three hundred (300) bus signs.

Resolution No. 80-118

- D. Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: The City of Asheville Planning Department will be applying for an annual UMTA Section 8 Technical Studies Grant for 1980-81 to fund the preparation of planning studies related to transit operations. The project includes the preparation of technical studies and reports designed to improve the operation of the Asheville Transit System. The total amount of the grant is \$26,875, with the City of Asheville providing \$2,688 of in-kind services.

Resolution Book 12 Page 137

PETITION - MAPLE STREET OR ARDMORE STREET - REQUEST TO OPEN

The City Manager presented a petition received from residents on Forest Street off Hendersonville Road at Forest Manor Motel, requesting that the street known as Maple Street or Ardmore Street, running between Hendersonville Road and Caribou Road be opened and placed on the City's maintenance list.

The City Manager said he would refer the petition to the Director of Public Works for investigation and report the findings back to Council.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 5:50 p. m.


MAYOR


CITY CLERK

ANNEXATION-PROPOSED -- DISCUSSION BY LIMESTONE PLANNING COUNCIL

Mr. Larry Carter, Chairman of the Limestone Planning Council, spoke in opposition to the proposed annexation of the Limestone Community into the City Limits of Asheville. He said the Limestone Planning Council has been working for over a year on a plan for the Limestone Community, which has been approved by the Buncombe County Commissioners. He said if annexed into the City of Asheville the plan prepared by the Council will be in vain.

Mr. Carter read excerpts from a statement presented to the Buncombe County Commissioners, dated May 26, 1980, relative to the proposed annexation.

Mr. Carter also presented a petition containing approximately 2,000 signatures protesting annexation into the City of Asheville without recourse to referendum among the people affected.

Jim Adams, Vice-Chairman of the Limestone Planning Council, also spoke in opposition to the proposed annexation. He said annexation should be done by referendum.

Marian Heifner of the Skyland area also opposed annexation by the City of Asheville.

Mayor Trantham advised the group that planning studies are now being prepared by the Planning Department relative to future annexations and these studies would be completed by August 1, 1980. He said Council would then review the studies and decide which areas they wish to consider for annexation. He said Council would keep the citizens in the areas affected advised and hold public hearings relative to the annexations.

Councilwoman Price asked that the Limestone Council also study, before August 1, 1980, the county contributions, tax-shared revenues, and compare the amount of city tax someone would pay if annexed into the city and deduct the amount that would be saved in fire insurance, garbage pick-up service, street lights, and water.

RESOLUTION NO. 80-120 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURMEISTER, WRIGHT AND ASSOCIATES, P. A., TO CONDUCT AN ENGINEERING STUDY REGARDING THE DEVELOPMENT OF BEE TREE LAKE AS A POTABLE WATER SOURCE

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Burmeister, Wright and Associates, P. A., to conduct an engineering study regarding the development of Bee Tree Lake as a potable water source.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-120 was unanimously adopted.

Complete text of Resolution No. 80-120 will be found in Resolution Book No. 12 at page 139.

Verl Emrick, Planning Director, in reviewing the background of the amendments, said the Planning and Zoning Commission at its meeting on September 5, 1979 considered the request of Mrs. Mildred Graham by Attorney John Powell that "Family Care Homes" be allowed in any and all residential zoning districts of the City of Asheville. The Commission voted to recommend that "Family Care Homes" as well as "Group Homes for the Developmentally Disabled Adults" be allowed as Conditional Uses in all residential zoning districts and in the Office Institutional District. A public hearing was held on the matter on October 18, 1979, and again on November 15, 1979, at which time opposition was received relative to the amendment to include "Group Homes for the Developmentally Disabled Adults." No opposition was received relative to the inclusion of "Family Care Homes" as Conditional Uses. It was decided, by Council, that the two issues should be separated for Council action and a public hearing was scheduled to consider the issue on "Family Care Homes." An ordinance has since been adopted including "Family Care Homes" as Conditional Uses. At the meeting of November 15, 1979 an ordinance was adopted providing for a limited moratorium on the issuance of building permits for group homes for developmentally disabled adults for a period not to exceed six (6) months. The time period for the ordinance expired on May 30, 1980. He said the proposed ordinance stipulates development standards to be used by the Board of Adjustment in evaluating the Conditional Use. He said the standards have been modified to include suggestions made by Council in previous public hearings relative to this subject. He explained that a Conditional Use must be approved by the Board of Adjustment and the procedure for obtaining approval of a Conditional Use.

Mrs. Kathryn B. Johnson of 29 Devonshire Place read the following statement:

"My name is Kathryn B. Johnson (Mrs. Thomas G.) and I live at 29 Devonshire Place. I have been elected to represent a group of approximately 200 concerned citizens in Kenilworth to make certain recommendations concerning the proposed amendment to Ordinance No. 322."

"Under Item C(2), we voted to request that the minimum lot size for the site of a group home shall be no less than two (2) acres."

"The reason for this recommendation is that a group home housing up to nine (9) adults and two (2) house parents is not a normal, average household for any part of the city. A residence large enough to accommodate up to eleven (11) adults, plus off-street parking, plus space for recreation, gardening, sunbathing, or just plain walking or sitting around could not be accommodated on so small a lot. (The average household in the Kenilworth area is two or three persons). The inadequate space on St. Dunstan's has resulted in an overflow of the group home residents into the homes and yards of the neighbors with very unhappy results. Western Carolina Center, for example, has spacious grounds and many individual cottages, and those residents have ample space for outdoor activities."

"Everyone in Asheville is in favor of proper care for the developmentally disabled, but we feel that sufficient space is mandatory for these people so that friction will not develop between the group home residents and the other residents in the community which would result in a buildup of hatred and rejection which would completely defeat a major objective of the group homes. Even one mentally retarded child can cause problems on a street, so a group of up to nine (9) can have damaging results in a small area. You cannot legislate love and kindness and cooperation."

Thursday - June 26, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Trantham introduced Rev. Les Scofield, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 19, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the June 19, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-121 - RESOLUTION OF APPRECIATION AND COMMENDATION TO JAMES H. PARRIS, JR.

2. Consideration was given to a resolution of appreciation and commendation to James H. Parris, Jr., Director of Motor Transport, who is retiring from the City of Asheville after 34 years of service.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 80-121 was unanimously adopted.

Complete text of Resolution No. 80-121 will be found in Resolution Book No. 12 at page 140.

CAPTAIN C. R. BEAVER - GRADUATION FROM F.B.I. ACADEMY

3. The City Manager recognized and commended Captain C. R. Beaver of the Asheville Police Department for graduating from the F.B.I. Academy on June 13, 1980.

PUBLIC HEARING - AMENDING ZONING ORDINANCE TO INCLUDE "GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS" AS CONDITIONAL USES

4. A public hearing was held relative to amending the Zoning Ordinance to include "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI Office Institutional District.

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

**PUBLIC HEARING - MORATORIUM ON ISSUANCE OF ZONING PERMITS FOR MULTI-FAMILY FACILITIES
IN THE BEAVERDAM VALLEY**

**ORDINANCE NO. 1171 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE
BEAVERDAM VALLEY AREA**

5. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on the issuance of zoning permits for multi-family facilities in the Beaverdam Valley.

Mayor Trantham opened the public hearing at 5:23 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, in reviewing the background of the moratorium, said on November 8, 1979 a public hearing was held relative to rezoning property in the Beaverdam Valley. The Planning and Zoning Commission recommended that the area be rezoned as petitioned, but limit the change to the jurisdiction of the City of Asheville in the Beaverdam Valley. The petition to rezone requested that the property be rezoned to R-1 Single Family Residential District until such time as the Beaverdam Planning Council could come up with their own Land Use Plan. At the November 29, 1979 meeting a motion was made to table action on the ordinance until the January 17, 1980 meeting giving the City Staff an opportunity to obtain additional information on the water and sewer conditions in the Beaverdam Valley. At the same meeting a motion was also made scheduling a public hearing, for January 17, 1980, concerning the adoption of an ordinance imposing a moratorium on the issuance of zoning permits in the Beaverdam Valley. On January 31, 1980 an ordinance was adopted imposing the limited moratorium on development in the Beaverdam Valley area as an alternative to the request of the Beaverdam Planning Council to rezone their property to R-1 Single Family Residential District until the Planning Council has an opportunity to come up with their own Land Use Plan. The moratorium was to be effective for 120 days. The period of time given in the ordinance for the moratorium expired on June 13, 1980.

Mr. Emrick said Council recently met with Mr. George Hyler, of the Beaverdam Planning Council to receive an update on the Land Use Plan being prepared by the Planning Council. Mr. Hyler, at that time, requested that the moratorium be extended for an additional sixty (60) days.

Mayor Trantham closed the public hearing at 5:27 p. m.

Verl Emrick read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1171. This motion was seconded by Councilman Wilkes.

On a roll call vote of 7-0, Ordinance No. 1171 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1171. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1171 passed on second reading.

"Item C(4) concerning adequate buffering. We voted to request adequate buffering on three (3) sides of adjoining lots instead of two (2).

"Item C(5), we voted to request that structures which house group homes shall be equally distributed throughout the north, south, east, and west parts of the city, and that there shall be a minimum of three (3) miles between each group home."

"The reason for this recommendation is that no part of the city shall be saturated with group homes. The proposed ordinance would allow a group home every 2,500 feet which means there could be two (2) or three (3) in a distance of one mile. There are to be 25 of these group homes built throughout the State of North Carolina. There are 100 counties in the State. I personally see no reason why we should have more than one in Asheville."

"Part of the group home concept is that the group home residents are to participate in the activities of the community. The unhappy and unfortunate experiences at St. Dunstan's, with which you are all familiar, have shown that this is not possible. Originally the group home sponsors were to explain the group home concept and activities and to seek the cooperation of the community in which they hoped to build a group home. This was done at St. Dunstan's. It was not done on Chiles Avenue. The residents of Kenilworth have opposed a group home for 22 Chiles Avenue for more than a year due to the small lot size. So, for the welfare of the residents of the group home and the citizens of Asheville, we strongly urge you to adopt our recommendations."

Peter Winslow of 288 Kenilworth Road reiterated comments made by Mrs. Johnson. He said the Kenilworth residents feel their community is having to take more than their share of these type homes. He said the Kenilworth area presently has a housing project, a group home, a proposed group home and a proposed half-way house. He said Council should be aware of what is happening in Kenilworth.

Walter Alexander, Route 2, Asheville, said he felt 3/4 acre is not enough land for group homes. He said this would not give any room for recreational activities for the people in the homes.

During discussion, Vice-Mayor Morris said Council, by state law, can not prohibit the use of group homes in the City of Asheville. However, development standards can be established by Council but the standards must be reasonable.

Councilman Boland said he felt the amendment should be written in order to regulate the number of such homes allowed in one neighborhood.

Herman Medler said the state law should be investigated relative to what would be reasonable in establishing standards for group homes.

After discussion, Councilwoman Price moved to continue the public hearing until July 10, 1980, without further advertisement. This motion was seconded by Councilman Boland and carried unanimously.

Councilwoman Price moved that the Mayor, on behalf of the City Council, be authorized to call HUD in Greensboro to suggest that an Environmental Impact Statement be prepared relative to the Chiles Avenue Group Home Project. This motion was seconded by Councilman Cole and carried unanimously.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 80-122 was unanimously adopted.

Complete text of Resolution No. 80-122 will be found in Resolution Book No. 12 at page 141.

RESOLUTION NO. 80-123 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE SKYLAND VOLUNTEER FIRE DEPARTMENT, INC. FOR FIRE PROTECTION SERVICES IN THE AIRPORT ANNEXATION AREA

8. Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Skyland Volunteer Fire Department, Inc. for fire protection services in the Airport Annexation Area.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Brownlee, Resolution No. 80-123 was unanimously adopted.

Complete text of Resolution No. 80-123 will be found in Resolution Book No. 12 at page 142.

RESOLUTION NO. 80-124 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A SEWER LINE REPLACEMENT ON HIGHWAY N. C. 81

9. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a sewer line replacement on Highway N. C. 81.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 80-124 was unanimously adopted.

Complete text of Resolution No. 80-124 will be found in Resolution Book No. 12 at page 143.

RESOLUTION NO. 80-125 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR AN 8-INCH WATER LINE ON HIGHWAY 19-23

10. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for an 8-inch water line on Highway 19-23.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-125 was unanimously adopted.

Complete text of Resolution No. 80-125 will be found in Resolution Book No. 12 at page 144.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1171. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1171 passed on third and final reading.

Complete text of Ordinance No. 1171 will be found in Ordinance Book No. 9 at page 124.

ORDINANCE NO. 1170 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1980-81

6. Consideration was given to the third reading of Ordinance No. 1170, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the Fiscal Year 1980-81.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there is a specific request to do so.

Ralph Bishop again spoke in opposition to a salary increase for members of the Asheville Police Department. He also spoke in opposition to a salary increase for the members of Council and the Vice-Mayor.

George Gragg, Executive Director of the Asheville-Buncombe Community Relations Council, read a prepared statement to members of Council requesting an increase in the City's funding for the Community Relations Council. It was requested that the City increase their funding by \$11,000. It was noted that the agency has received no funding increase in three years and the Buncombe County Board of Commissioners has indicated that it will amend its budget later to match whatever amount the city agrees to pay the agency.

Vice-Mayor Morris commented that the agency was set up on a 50-50 funding level several years ago but it was distressing to him that the city taxpayer is paying about three and a half times more than the county resident is paying. He said he did not think the city receives three and a half times more services from the agency than the county resident does.

Council agreed to study the request and possibly amend the budget at a later date.

On a roll call vote of 7-0, Ordinance No. 1170 passed on third and final reading.

Complete text of Ordinance No. 1170 will be found in Ordinance Book No. 9 at page 122.

RESOLUTION NO. 80-122 - RESOLUTION AUTHORIZING THE TRANSFER OF THE RESPONSIBILITY FOR ADMINISTRATIVE SUPPORT OF THE PACK MEMORIAL LIBRARY FROM THE CITY OF ASHEVILLE TO BUNCOMBE COUNTY

7. Consideration was given to a resolution authorizing the transfer of the responsibility for administrative support of the Pack Memorial Library from the City of Asheville to Buncombe County.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 80-126 was unanimously adopted.

Complete text of Resolution No. 80-126 will be found in Resolution Book No. 12 at page 145.

REPORT - PETITION RELATIVE TO OPENING OF MAPLE STREET OR ARDMORE STREET

14. The City Manager, in reporting on a petition received by Council several weeks ago, said the Public Works Department had investigated the petition and found that all the persons signing the petition are indeed residents of Forest Street, or own property which fronts along Forest Street. Ardmore Street, or Maple Street as it is referred to on plats is open and maintained by the City, from Hendersonville Road to a point approximately 800 feet east of Hendersonville Road. Near a small stream from that point east, the road is only a recorded R/W and has not been opened for some time, at least since it was annexed into the City. In order for a street to be constructed along the R/W and taken over by the City for maintenance, it would have to be built at least 16 feet wide, paved, and the necessary drainage installed. The cost of the construction would have to be borne by the persons petitioning the City for constructing the street. The City Manager said the only other alternative would be for the Council to look into changing the city's policy relative to opening streets.

Mayor Trantham said it is his understanding that the residents, in the past have been using Ardmore or Maple Street, however someone in the area has been grading and preventing the use of the street. He said perhaps someone is developing the area into a subdivision and encroaching on the property.

After discussion, Council instructed the City Attorney to investigate the possibility of someone encroaching upon the right-of-way and report back to Council his findings.

Councilman Boland requested that the City Manager prepare a brief statement relative to this petition and submit the statement to members of Council.

CETA FUNDING - INQUIRY OF COUNCILWOMAN PRICE

15. Upon inquiry of Councilwoman Price relative to CETA funding being dropped by Buncombe County, the City Manager said Buncombe County has been the primary sponsor for CETA funding, however the State or the City could take over the primary sponsorship. He said if the State takes over the primary sponsorship the City could apply to the State for CETA funding.

MERRITT STREET OFF CLINGMAN AVENUE - INQUIRY OF COUNCILMAN WILKES

16. Councilman Wilkes requested that the City staff investigate the right-of-way at 5 Merritt Street off Clingman Avenue.

RALPH BISHOP - ANNEXATION - LOTTERY PEDDLERS

Ralph Bishop again spoke to Council opposing annexation and complained about the lottery peddlers operating in the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 6:20 p. m.

Rey M. Trantham
MAYOR

William J. Holcomb
CITY CLERK

PUBLIC HEARING SCHEDULED - REZONING PROPERTY LOCATED AT CORNER OF N. LOUISIANA AVENUE AND HAZEL MILL ROAD

11. Consideration was given to scheduling a public hearing relative to the rezoning of property located at the corner of N. Louisiana Avenue and Hazel Mill Road.

The City Manager said the Planning and Zoning Commission at a meeting held June 4, 1980 considered the petition of Mrs. Mabel Woody that Ward 6, Sheet 17, Lot 71, be rezoned from R-3 Residential District to CH Commercial Highway District. After discussing the issues of the request, the Commission voted to recommend denial of the petition to City Council. On June 19, 1980 a letter was received by the City Clerk's Office appealing the decision of the Planning and Zoning Commission and requesting that a public hearing be scheduled to review the rezoning request.

Councilman Boland moved to schedule a public hearing on the matter for July 24, 1980. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF SALE OF DISPOSAL PARCELS 204, 205 AND 206 - EAST RIVERSIDE RENEWAL PROJECT

12. Consideration was given to the approval of the sale of Disposal Parcels 204, 205 and 206 in the East Riverside Renewal Project.

The City Manager read a letter from the Housing Authority stating that the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
204	Residential	2,800)		
205	Residential	2,800)	- 9,000	Home Builders Assoc. of WNC
206	Residential	3,400)		

Mr. C. E. Vess, Jr., Coordinator of Field Services for the Housing Authority, said the Home Builders Association of WNC will be purchasing the lots and the Carpenter Class at A-B Technical College will be constructing three (3) single family dwellings on the lots.

Councilwoman Price moved for the approval of the sale of Disposal Parcels 204, 205, and 206 in the East Riverside Renewal Project to the Home Builders Association of WNC in the amount of \$9,000.00. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-126 - RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE STATE DEPARTMENT OF ADMINISTRATION FOR THE UNITED STATES CIVIL SERVICE COMMISSION FOR GRANT FUNDS AVAILABLE UNDER THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970

13. Consideration was given to a resolution authorizing the submission of an application to the State Department of Administration for the United States Civil Service Commission for grant funds available under the Intergovernmental Personnel Act of 1970.

The City Manager read the resolution.

Mr. Emrick reviewed the floodway boundary maps prepared by the TVA. He said the proposed ordinance sets minimum standards which will be accepted by FIA. He said the Planning and Zoning Commission, during several meetings, reviewed the maps and the regulations and recommend their adoption. He said the regulations will not affect present buildings. He said the flood maps have been accepted by the FIA and can only be changed by technical data being submitted to FIA to adjust the boundaries or by replacing the bridge and culverts in the Biltmore area, which causes a majority of the flooding, thereby reducing the flood fringe. He said the floodway map zone will be transferred to the zoning maps for enforcement of the regulations by the Inspection Division.

Mr. Emrick said Council could ask the State to place signs along the floodway area designating the precise area.

Joe Pless, owner of Dreamland Drive-In Theatre, said after reading the regulations proposed in the ordinance it is his opinion that he could not build on his property. He said he has requested his attorney to check into the legality of the requirements and requested that the issue be postponed for three (3) weeks, giving his attorney an opportunity to investigate the issue. He said he felt the mandatory requirement is only a "scare-tactic" by the federal government.

Kenneth Pankow, a profession engineer, spoke relative to this issue and read the following letter:

Asheville City Council
Asheville City Hall
Asheville, North Carolina 28801

Dear Council Members:

I am a professional engineer and specialize in engineering for the development of industrial and commercial sites. On many occasions I have provided engineering services for the development of flood plain lands. From my experience it seems clear that laws controlling flood plain development are necessary and in the general public interest.

For people who own property in the flood plains these laws can be very costly because some of the land is condemned so that it can never be developed to its best and highest use. Obviously maps and studies that are used for condemnation, especially when there is no compensation, must be very accurate and fair to all property owners. In my practice as a land surveyor I am governed by strict laws regarding accuracy when I locate property lines. If I err by a few inches I can be held liable for damages to the property owner. The condemning of property for the purpose of a floodway mandates an equal degree of accuracy and care when determining lines of property use.

Unfortunately the maps which have been presented to the City of Asheville for the purpose of enactment of flood plain laws do not have the necessary accuracy and are not suitable for the purpose intended. I have found several places on the flood maps for this area that have errors measured in hundreds of feet. After nearly one year of review by local government officials and professionals in private practice all who are knowledgeable agree that the maps contain many errors and could have been done much more accurately. In my opinion the maps and studies are so poorly done that they raise questions as to the competency of the parties responsible for their preparation.

Thursday - July 10, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, and Harold F. Brownlee, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: Councilman H. C. Wilkes (vacation) and City Manager K. M. Michalove (vacation)

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

Note: Since Mayor Trantham was called out of the meeting for a short period, Vice-Mayor Morris presided over the meeting.

1. Approval of the minutes of the June 26, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the June 26, 1980 meeting were approved as submitted.

PUBLIC HEARING - FLOOD PLAIN REGULATIONS

ORDINANCE NO. 1172 - AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE, NORTH CAROLINA

2. A public hearing was held relative to an ordinance establishing flood plain regulations for the City of Asheville.

Vice-Mayor Morris opened the public hearing at 4:02 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, in reviewing the background for the adoption of the regulations for the flood plain area, said the National Flood Insurance Program is a mandatory program and must be implemented according to federal guidelines if the City or private property owners are to receive federally subsidized flood insurance or secure federally insured loans for projects in the flood hazard areas. He said the City must approve the regulations by July 16, 1980 or the City and private property owners will be prohibited from receiving loans, grants, or disaster assistance funds in connection with a flood. He said the owners in the flood plain area will also be prohibited from receiving FHA or VA mortgage loans until the regulations are adopted. He said the Federal Insurance Administration (FIA), the federal agency administering the program, sets the requirements and criteria for the regulations. He said the FIA contracted with the Tennessee Valley Authority (TVA) to prepare a rate study, profiles and floodway boundary maps for Asheville, which are now complete.

Councilwoman Price moved for the adoption of Ordinance No. 1172. This motion was seconded by Vice-Mayor Morris.

Tom Butler asked to go on record as requesting the Council to table the motion or for an unfavorable vote on the motion.

On a roll call vote of 5-1, Ordinance No. 1172 passed on first reading, with Councilman Brownlee voting "no."

PUBLIC HEARING - REZONING PROPERTY ON CLAYTON STREET - LOWELL PEARLMAN - JOHN JOYNER

ORDINANCE NO. 1173 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to rezoning property located on Clayton Street.

Mayor Trantham opened the public hearing at 5:10 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at a meeting held June 4, 1980 considered the request of Attorney George Saenger, for Lowell Pearlman (Purchaser), and John Joyner (Owner), that Ward 2, Sheet 16, Lot 167, be rezoned from R-4 High Density Residential District to CG Commercial General District. After discussing the issues of this request, the Commission voted to recommend to City Council that Ward 2, Sheet 16, Lot 167, and Lot 168, be rezoned from R-4 High Density Residential District to CG Commercial General District. He said the Commission recommends including Lot 168 to keep uniformity to the zoning boundary lines.

Mr. George Saenger, Attorney for Lowell Pearlman and Mr. Pearlman, explained to Council the need for the rezoning.

Mayor Trantham closed the public hearing at 5:15 p. m.

Mr. Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Cole moved for the adoption of Ordinance No. 1173. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1173 passed on first reading.

PUBLIC HEARING - REZONING PROPERTY AT THE CORNER OF EMMA ROAD AND BINGHAM ROAD

ORDINANCE NO. 1174 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to rezoning property at the corner of Emma Road and Bingham Road.

Mayor Trantham opened the public hearing at 5:15 p. m.

While checking with parties responsible for preparing the maps and studies, it has come to my attention that they were likely done in a manner that is illegal under the General Statutes of North Carolina. General Statute No. 89 clearly states that engineering work of this nature should be done only by a professional engineer who is duly registered and licensed by the State of North Carolina. I have been given the answer that "government is exempt"; however, a close examination of General Statute No. 89C-25 will show that government is not exempt in this case.

It seems that these maps and studies must be redone in a suitably accurate, legal, and competent manner before any flood plain ordinance will be enforceable in the City of Asheville.

Respectfully submitted,

/s/ Kenneth O. Pankow

Kenneth O. Pankow, P. E.

Mr. Pankow said he was able to get the maps changed before, after a costly and timely process. He requested that the City obtain more accurate maps before adopting the regulations. He said he had received no cooperation from TVA or the Planning Department in his working with the floodway maps.

Clay Chandley, President of Johnson-Chandley in Biltmore, also spoke relative to the flood plain regulations. He opposed the regulations stating that the regulations would reduce the property values in the area because of construction requirements. He also requested that action on the ordinance be postponed until his attorney could investigate the legality of the regulations.

Mr. Tom Butler, also requested that action be postponed until a later date until further engineering and legal studies can be made. He also commented on the small culverts in the Biltmore area, causing the flooding, stating that the City or the State should be responsible for increasing the size of the existing culverts.

Mr. James Anderson of Waldensian Bakeries, also requested that action be postponed on the issue. He said in his opinion the regulations would condemn the land in the floodway areas and force the businesses to move out of the City.

Note: Mayor Trantham arrived at the meeting at 4:50 p. m.

Walter Alexander said the culverts under US 25-A are stopped up causing flooding in the area.

Vice-Mayor Morris closed the public hearing at 5:00 p. m.

Vice-Mayor Morris commented that, due to the deadline of July 16, 1980 being imposed upon the City of Asheville, he did not feel the City could postpone action on the ordinance, however, Council could amend the ordinance or the boundary at a later date if they could legally do so under the provisions of the guidelines.



CITY OF ASHEVILLE

PLANNING & ZONING COMMISSION

704/255-5434

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl Emrick, Jr., Planning Director
Bill Moore, City Attorney

SUBJECT: Group Home Standards

DATE: July 7, 1980

Following Council's action on June 26th, Bill and I met with Councilman Boland to discuss the standards being proposed and other problems City Council may encounter in relation to the group homes.

Given that discussion, Bill and I can report the following:

First, Council may impose certain standards on placement of group homes within the City of Asheville. However, those standards cannot be so far-reaching as to exclude the placement of a group home in a neighborhood. By this we mean that the standards may not violate the letter or the spirit of the statutes (G.S. 168-9) which provides for neighborhood locations. This opinion is agreed with by the North Carolina Attorney General's Office in letters sent in March and November, 1979, copies of which are attached.

Secondly, in reviewing the standards Council is considering and comparing them with the suggestions made by the residents of Kenilworth, we find that there are areas in which some revisions can be made and still comply with G.S. 168-9. Therefore, we recommend that Council consider the following standards.

1. That each facility be allowed as a Conditional Use in all residential zones.
2. That the Board of Adjustments consider the following in determining the location of the facility:
 - (a) That the facility shall have the appropriate state operating license, and

P.O. Box 7148 • Asheville, North Carolina 28807

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at a meeting held June 4, 1980, considered the request of Mr. and Mrs. Eugene Silver that their property located at the corner of Emma Road and Bingham Road be rezoned from LI- Light Industrial District to R-5 Residential District. After discussing the issues of the request, the Commission voted to recommend to City Council that Ward 12, Sheet 6, Lot 25 be rezoned from LI- Light Industrial District to R-5 Residential District.

Mrs. Eugene Silver, of 345 Emma Road, explained the need for the rezoning of her property. She showed members of Council a map where their trailer and a beauty shop would be located. She said the property as presently zoned would allow the beauty shop but would not allow them to place their mobile home on the property.

Mayor Trantham closed the public hearing at 5:23 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilwoman Price moved for the adoption of Ordinance No. 1174. This motion was seconded by Vice-Mayor Morris.

Councilman Boland said in his opinion the zoning of property is for the highest and best use of the property and property should not be rezoned for an individual purpose. He said he did not feel the best use of this land is for residential use.

On a roll call vote of 5-1, Ordinance No. 1174 passed on first reading with Councilman Boland voting "no."

PUBLIC HEARING - INCLUDING "GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS" AS
CONDITIONAL USE IN ZONING ORDINANCE

ORDINANCE NO. 1175 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. Continuation of a public hearing relative to amending the Zoning Ordinance to include "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI-Office Institutional District.

Mayor Trantham said this public hearing was continued from the week of June 26, 1980.

Verl Emrick, Planning Director, said at the June 26, 1980 meeting, Council instructed that he evaluate a proposal made by the Kenilworth Association relative to "group homes."

In response to Council's instructions, Mr. Emrick read the following memorandum:

Memo to:
Ken Michalove

-3-

July 7, 1980

Finally, while we can see some serious problems in the practical or actual application of the state statutes, in our opinion the City's only alternative is to write the standards which provide reasonable protection under the existing statutes.

Should you have any questions, please advise.

Verl R. Emrick, Jr.
Planning Director

William C. Moore
City Attorney

He said in a second meeting with Mr. Moore and Councilman Boland a discussion was held relative to revising the review process to include "Group Homes for Developmentally Disabled Adults" as a group development instead of a Conditional Use. He said if the review is included in the group development process, Planning and Zoning and City Council would review each case for a group home individually.

Corporation Counsel Moore, referring to the general statutes, said the City is prohibited from imposing greater restrictions on "group homes" than apply to similar dwellings in the same zones. He said, in his opinion, the recommendations made by Mr. Emrick and himself would be reasonable restrictions. He said any greater restrictions may not be upheld by the courts.

Councilman Boland suggested that Council discuss with the state legislators the restrictiveness imposed on the City in this matter.

Mr. Emrick said he is in the process, along with the City Attorney, of preparing a proposed amendment for the legislature to consider in allowing more flexibility in setting standards for group homes.

Mayor Trantham reported that, as instructed by Council at the meeting of June 26, 1980, he wrote the following letters:

Memo to:
Ken Michalove

-2-

July 7, 1980

- (b) That the minimum size for the site shall be not less than three-fourths acre or 32,670 square feet. However, the Board of Adjustments may increase the required lot sizes if it finds that such an increase is warranted to maintain the character of the neighborhood where the facility is to be located.

NOTE: In recommending this specific lot size, two considerations have to be weighed. These are: (1) Will this provision meet the legal test of a reasonable application of the City's police power or does the actual application of the provision exclude the facility? If the actual application of the proposal does in fact exclude the facility then the provision of G.S. 168-9 are violated and this particular section of the ordinance would be invalid.

(2) If the Board of Adjustment is not given the authority to allow some reasonable variance to the strict letter of the ordinance, then there is a possible problem in discrimination when compared to the treatment of other uses in the specific districts. Again, the application of the provision of the ordinance must be equal in all instances.

(Given these factors, in our opinion, the recommendation of a minimum lot size of two acres effectively excludes a group home in most of the residential districts in the city and, therefore, the ordinance could not comply with the state statutes and would be invalid.)

- (c) Adequate off-street parking shall be provided.
- (d) Adequate buffering - minimum requirement shall be as outlined in Sec. 30-3-14 (A)(2).
- (e) Minimum spacing between any detached structures which house group home facilities for developmentally disabled adults should not be less than 2,500 feet.

NOTE: Here again the considerations which relate to the lot size requirements would hold true for the spacing requirements. Therefore, the suggestion of a spacing of three miles as well as requiring no more than one facility per neighborhood would not meet the requirements of the law.

- (f) No external signage shall be allowed.

Mrs. Betsy H. Stafford
June 30, 1980
Page Two

Finally, as I have stated, Council feels that these issues must be addressed and solved prior to any commitments made by HUD in financing the project.

As you proceed with your investigation, I offer any assistance that the City staff may provide in reaching an equitable solution to a very real problem.

Sincerely,


Roy M. Trantham
Mayor

RMT/cah

cc: Members of City Council
Ken Michalove, City Manager
Katherine B. Johnson-29 Devonshire Place, Asheville, N. C. 28803

City of Asheville

183

Office of the Mayor

POST OFFICE BOX 7148

ASHEVILLE, N.C. 28807

Mayor
Ray M. Trantham

Vice Mayor
Ralph D. Morris, Jr.



Councilmembers:
Walter R. Bland
Harold F. Brownlee
F. Jack Cole
Norma T. Price
H. C. Wilkes

June 30, 1980

Mrs. Betsy Stafford
Manager, Greensboro Area Office
Department of Housing and Urban Development
415 North Edgeworth Street
Greensboro, North Carolina 27401

Re: Section 202 Loan Reservation -
Group Home for Developmentally Disabled,
Asheville, North Carolina

Dear Ms. Stafford:

At your suggestion this morning in our phone conversation, this letter is to formally request that your office and staff investigate fully the environmental impact that locating the group home on Chiles Avenue by Housing Development Services, Inc., a subsidiary of the Buncombe County Association of Retarded Citizens, will have on the surrounding neighborhoods.

The City Council has ask that I make this request on their behalf since DHUD is directly involved in this project by providing funding with a Section 202 Loan Reservation.

In Council's opinion, there are several items DHUD should investigate given the fact that public funds will be used in the project. These items are:

1. Is there sufficient land area at the site to adequately provide a healthy environment for the tenants?
2. Will locating the facility on Chiles Avenue which is less than three blocks from a Group Home on St. Dunstan's Circle violate the principles of not causing an impaction or overloading a neighborhood with similar facilities? The principle referred to has been applied many times in Asheville in regard to placement of subsidized housing.
3. What will be the impact of the project on the total character of the neighborhood?
4. What will be the impact on traffic and general accessibility to the neighborhood?

Ms. Betsy Stafford

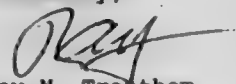
-2-

July 9, 1980

Finally, the City would request that no final decision be made by HUD until December, 1980, in order to give us time to complete our part of this project.

Your assistance is greatly appreciated and should you have any questions, please advise.

Sincerely,


Roy M. Trantham
Mayor

Mr. Herman Medler said he had already talked to Senator Swain relative to the "restrictiveness" imposed on the City and Senator Swain told him he would bring the matter back up when they go back into session.

Kathryn Johnson, 29 Devonshire, thanked Council for writing the letters to HUD. She requested that Council, at least, impose a restriction of a minimum lot size of one (1) acre on group homes and that the minimum spacing between the homes be one and one-half (1-1/2) miles.

Walter Alexander, Route 2, Asheville, requested that Council postpone action on the ordinance until Council could discuss the issue with the state legislature.

Larry Thompson of the Blue Ridge Community Mental Health, explained the process of selecting residents for group homes.

Nancy Boyette Miller of Kenilworth spoke against the construction of the proposed group home on Chiles Avenue.

Walter Alexander, also spoke against the construction of the proposed group home on Chiles Avenue and said the residents of Kenilworth need more cooperation from the Blue Ridge Community Mental Health in obtaining information relative to the proposed home.

John Jordan of 52 Montview Drive also spoke in opposition to the proposed group home on Chiles Avenue.

After discussion, Mayor Trantham closed the public hearing at 6:28 p. m.

City of Asheville

185

Office of the Mayor

POST OFFICE BOX 7148

ASHEVILLE, N.C. 28807

Mayor
Roy M. Trantham

Vice-Mayor
Ralph D. Morris, Jr.



Councilmembers:
Walter R. Bolland
Harold F. Brownlee
F. Jack Cole
Norma T. Price
H. C. Wilkes

July 9, 1980

Ms. Betsy Stafford
Area Manager
Greensboro Area Office
Department of Housing and
Urban Development
415 N. Edgeworth
Greensboro, N. C. 27401

RE: Request for Extension of 202 Loan Commitment -
Group Home for Developmentally Disabled Adults -
Chiles Avenue, Asheville, North Carolina

Dear Ms. Stafford:

As per our phone conversation of June 30, 1980,
I am on behalf of the City of Asheville requesting that
your office issue no firm commitments on the pending
application for the above captioned project.

The City, while not wanting to deny the right of
adequate housing to any of its citizens, feels that for
the particular location of the Chiles Avenue facility
the City is risking an impaction of this type of housing
of this particular neighborhood. With this being the
case, the City Council wishes to discuss the problem in
detail with the local developer to attempt to accomplish
the following items:

- (1) Location of a more suitable lot which would
provide more space, open air, recreational
areas and visitation areas, and
- (2) Assist the developers in negotiating and
relocating the facility through whatever
means are available to him and the city to
see a successful conclusion to the project.

ORDINANCE NO. 1177 - AN ORDINANCE ESTABLISHING THE SIXTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AS A CAPITAL PROJECT FOR THE CITY OF ASHEVILLE

7. Consideration was given to an ordinance establishing the Sixth Year Community Development Block Grant Entitlement as a Capital Project for the City of Asheville.

Verl Emrick, Planning Director, read the ordinance.

The City of Asheville has been notified that the Department of Housing and Urban Development has approved Community Development Block Grant funds in the amount of \$1,771,000 for the Sixth Year entitlement. This ordinance establishes and appropriates projects for the 1980-81 Community Development Block Grant Entitlement.

Councilman Cole moved for the adoption of Ordinance No. 1177. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1177 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1177. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1177 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1177. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1177 passed on third and final reading.

Complete text of Ordinance No. 1177 will be found in Ordinance Book No. 9 at page 153.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

8. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The Associate City Manager presented a budget amendment in the amount of \$70,689 to provide funds for street and sidewalk improvements, water and sewer improvements, and resurfacing on Eagle Street.

Councilman Cole moved to approve the budget amendment as presented by the Associate City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 80-127 - RESOLUTION AUTHORIZING APPLICATION FOR APPALACHIAN REGIONAL COMMISSION FUNDS IN SUPPORT OF DOWNTOWN ACCESS AND WATER, SEWER AND DRAINAGE IMPROVEMENTS

9. Consideration was given to a resolution authorizing application for Appalachian Regional Commission funds in support of downtown access and water, sewer and drainage improvements.

The Associate City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-127 was unanimously adopted.

Complete text of Resolution No. 80-127 will be found in Resolution Book No. 12 at page 146.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved for the adoption of the ordinance substituting one (1) acre, instead of three-fourths (3/4) acre, for the minimum lot size of a group home. This motion was seconded by Vice-Mayor Morris.

Corporation Counsel Moore, again reminded Council that, in his opinion, the restriction of a minimum lot size of one (1) acre may not be upheld in the courts.

On a roll call vote of 6-0, Ordinance No. 1175 passed on first reading.

Council requested that before the second reading of Ordinance No. 1175, Mr. Emrick prepare alternatives that can be considered by Council relative to the ordinance.

Councilman Boland moved to schedule a public hearing for July 31, 1980 to consider an ordinance imposing a moratorium on the issuance of building permits for group homes for a period of six (6) months. This motion was seconded by Councilman Cole and carried unanimously.

Councilman Boland said during the moratorium period Council would have an opportunity to investigate the issue with the Attorney General and HUD as to the distribution of group home in the City of Asheville.

Vice-Mayor Morris was excused from the meeting at 6:40 p. m.

ORDINANCE NO. 1176 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1979-80

6. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville for fiscal year 1979-80.

The Associate City Manager read the ordinance explaining that this ordinance will summarize and ratify all budget amendments approved through June 26, 1980.

Councilwoman Price moved for the adoption of Ordinance No. 1176. This motion was seconded by Councilman Boland.

On a roll call vote of 5-0, Ordinance No. 1176 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1176. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1176 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1176. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1176 passed on third and final reading.

Complete text of Ordinance No. 1176 will be found in Ordinance Book No.

9 at page 152.

PETITION - CHANGING NAME OF STREET - PARKWAY PLACE TO SOURWOOD LANE -EAST

The Associate City Manager presented a petition received from residents of Parkway Place requesting that the street name be changed to Sourwood Lane-East.

The Associate City Manager said he would have the petition investigated and report back to Council.

SEWER PROBLEMS - REED CREEK SEWER - J. V. CORBIN

David E. Matney, III, Attorney for J. V. Corbin, said the Reed Creek sewer line, in the vicinity of UNC-A is running at full capacity. He said the Water and Sewer Department will not permit new construction in this area because of the sewer problems. He said his client, Mr. J. V. Corbin, wants to construct 40 to 50 units in the area. He said the Planning and Zoning Commission gave Mr. Corbin preliminary subdivision approval, at which time it was stated that water and sewer facilities were available in the area. He said when Mr. Corbin applied for his water and sewer connections, he was told the sewer facilities in the area would not permit the construction.

Mr. Matney said the Metropolitan Sewerage District proposes to upgrade the line, in the future, to a 27" line, at a cost of approximately \$350,000 to \$400,000. He said it would cost a minimum of \$150,000 for the City to upgrade the line for the proposed developments.

Mr. Matney requested that Council formally request the Metropolitan Sewerage District to put the upgrading of the sewer line as a higher priority on their 208 Study.

Mr. Bill DeBruhl, Director of Water and Sewer, said he knew of four or five people who want to develop in this vicinity but the existing sewer line will not carry the load. He said he had talked with the Metropolitan Sewerage District but to no avail. He suggested that all the developers get together and put up the local matching grant money in order for the City to obtain a grant to upgrade the line or for the developers to request the Metropolitan Sewerage District to put up the local matching grant funds.

The Associate City Manager said he would investigate the problem and report back to Council within two weeks.

SHIPMENT OF NUCLEAR FUEL THROUGH ASHEVILLE - DISCUSSION BY RUBIN FALK

Mr. Rubin Falk, President of Carolinians for Safe Energy, expressed concern relative to the nuclear fuel shipments that have been occurring through Asheville. He requested that Council schedule a public hearing to hear expert testimony relative to the shipment of nuclear fuel.

Chuck Sams, of 45 Morris Street also expressed concern about the shipments of nuclear fuel and said other cities have adopted ordinances regulating these shipments. He said it is his understanding that in the fall the Federal Department of Transportation will have legislature set regulations, which may restrict the City from passing such an ordinance.

APPROVAL OF CONSENT AGENDA

10. The Associate City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-128 - Resolution authorizing the Mayor to execute right-of-way agreements with the North Carolina Department of Transportation for a 2-inch water line on Jim Branch Road.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for a 2-inch water line on Jim Branch Road and is for domestic use and is being built to the City of Asheville specifications.

Resolution Book No. 12 Page 148.

- B. Scheduling of a public hearing relative to amending the Zoning Ordinance, by including an Article 12 to be known as "The Montford Historic District" for July 31, 1980.

HIGHLIGHTS: The Montford Historic District is being established as a "Local Historic District" under the existing state statutes. The district will be constructed as Article 12 in the Zoning Ordinance and will provide for architectural review and controls within the district which are designed to encourage restoration and preservation of the Montford area.

- C. Scheduling of a public hearing relative to rezoning property located on Beaverdam Road for July 31, 1980.

HIGHLIGHTS: The Planning and Zoning Commission, at its meeting on July 2, 1980 reviewed a request of Mrs. Betty Moore, Agent for Mrs. Genevieve Fowler that Ward 9, Sheet 6, Lot 28-1/4, and Mr. and Mrs. Clee Bishop that Ward 9, Sheet 6, Lot 28, be rezoned from R-3 Residential District to Commercial Highway. After discussion, the Commission voted to recommend to City Council that Lot 28 be rezoned to Commercial Highway with the exception of a 25' strip on Piedmont Avenue which would remain R-3 Residential District. The Commission further recommended that the 25' strip be used as the required buffer and planted according to the provisions of Sec. 30-3-14 (A) (2) of the Zoning Ordinance. The Commission voted to deny the rezoning of Lot 28-1/4.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

Thursday - July 17, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland (vacation)

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 10, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the July 10, 1980 meeting were approved as submitted.

RECOGNITION OF LARRY FISHER, DIRECTOR OF FINANCE, CHARLES KILLIAN, AND JIM HUNTER OF PATTON, HUNTER & COMPANY - ATTAINMENT OF CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING

2. The City Manager recognized Larry Fisher, Director of Finance, Charles Killian, and Jim Hunter of Patton, Hunter & Company for their efforts in the City of Asheville receiving a Certificate of Conformance in Financial Reporting and in Larry Fisher receiving an Award of Financial Reporting Achievement. He said the Certificate of Conformance is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by the City of Asheville and the Director of Finance. He said only six (6) governmental units in North Carolina received the award.

ORDINANCE NO. 1172 - AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE

3. Consideration was given to the second reading of Ordinance No. 1172, an ordinance establishing flood plain regulations for the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, read the following letter:

After discussion, Councilman Boland suggested a work session between the City, the County, Civil Defense, and representatives of the Nuclear Regulatory Commission to address the issue of nuclear fuel shipments being made through Asheville.

J. V. CORBIN - SEWER PROBLEMS PROHIBITING DEVELOPMENT

Mr. J. V. Corbin expressed concern about the sewer problems in Reed Creek prohibiting him from building his development.

ANNOUNCEMENT OF NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONVENTION - OCTOBER 19-21, 1980

The Associate City Manager advised Council members that they have been invited to attend the North Carolina League of Municipalities Convention in Raleigh, North Carolina on October 19-21, 1980.

ADJOURNMENT

The meeting adjourned at 7:20 p. m.

Ray M. Harrison Mayor William F. Holcomb City Clerk

Mr. Emrick said the Council has several alternatives relative to the adoption of the flood plain regulations. He said Council could adopt a temporary moratorium on all development located in the flood hazard area; delay the second and third readings of the ordinance until a later date; or pass the ordinance, as presented, on the second reading.

Mr. Emrick said until the City submits the required flood plain management measures to the Federal Insurance Administration for approval, the City will be suspended from receiving federal funds for the flood plain area which would include the suspension of Disaster Relief Funds if they were needed. In addition, no flood insurance policies can be written or renewed.

Mr. Emrick said he attended a meeting Wednesday night, at the invitation of Mr. Joe Pless, to discuss the ramifications of the ordinance with the affected property owners.

Upon inquiry of several Council members, Mr. Emrick identified specific businesses on the Flood Plain Maps.

Mr. Emrick identified the floodway and the flood fringe on the maps. He said if the regulations are adopted, as presented, those in the flood fringe can build new structures with certain restrictions, but those in the floodway could not build a new structure. He said if the existing buildings in the floodway are damaged, the buildings could be replaced, but not expanded, if it was determined by the Building Inspector that less than 50% of the building was damaged. Mr. Emrick reviewed the uses that would be permitted in the floodway zone.

Bill Moore, Corporation Counsel, read the following letter:

July 17, 1980

Mr. Verl R. Emrick, Jr.
Planning Director
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

RE: Flood Plain Ordinance.

Dear Verl:

You have requested an opinion from me as to whether the allegations contained in Mr. Kenneth O. Pankow's letter, dated July 10, 1980, are correct. Please find enclosed a copy of North Carolina General Statutes 89C-25 (6) which states that:

"This Chapter shall not be construed to prevent or affect:

- (6) Practice my members of the armed forces or employees of government of the United States while engaged in the practice of engineering or land surveying solely for said government on government-owned works and projects; or"

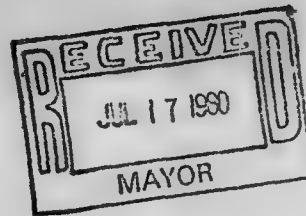


FEDERAL EMERGENCY MANAGEMENT AGENCY

Washington, D.C. 20472

193

14 JUL 1980



Honorable Roy M. Trantham
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mayor Trantham:

This is in response to your June 26, 1980 letter requesting that an extension of the Emergency Program for Asheville be granted until July 24, 1980.

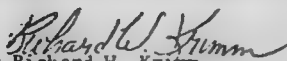
As you are aware, the City of Asheville is scheduled to be converted to the Regular Program on July 16, 1980. This means that the Flood Insurance Rate Map (FIRM) becomes effective on July 16 thereby making increased limits of insurance coverage available for sale. Unfortunately, there are no provisions for granting extensions to the Emergency Program. Therefore, in order to avoid suspension, your community must submit the required flood plain management measures to the Regional Office prior to the deadline. However, there is another alternative of adopting a temporary moratorium on all development located in the flood hazard areas on your FIRM. Should you choose this option, we suggest you call the Regional Office for assistance.

Please note that should Asheville be suspended, it can be reinstated within several working days of the Regional Offices' approval of your adopted measures. In addition, no flood insurance policies can be written or renewed. However, existing policies remain in force until their expiration date.

If you need further assistance, please call the Regional Office, Insurance and Mitigation Division, Atlanta, Georgia at (404)881-2391.

Sincerely yours,

Gloria M. Jimenez
Federal Insurance Administrator


By Richard W. Krimm
Assistant Administrator
Office of Natural Hazards
Reduction & Evaluation

Keith Curtis, of the Tennessee Valley Authority, said they have been working with the Department of Housing and Urban Development since Congress created the Federal Insurance Program approximately ten (10) years ago. He said the Tennessee Valley Authority has been working on flood control for the last 25 to 30 years. He said the Tennessee Valley Authority works with all governmental agencies in the Tennessee Valley. He said most the cities, the size of Asheville, have already adopted flood plain regulations. He said the Tennessee Valley Authority prepared flood way maps for all the cities. He said in the near future, maps will also be prepared for the counties. He reiterated comments made by Mr. Emrick relative to the City being suspended from receiving federal funds for the flood plain areas if the regulations are not approved by the Federal Insurance Administration.

Mr. Emrick reviewed the floodway maps for individual property owners in the area, showing their particular location on the map as to whether they were in the flood way or the flood fringe area.

In response to Councilman Cole, Mr. Emrick said banks will not loan money to property owners in the flood plain area for construction unless they have flood insurance.

Robert S. Swain, Attorney for the property owners in the area, said the ordinance as proposed places too many restrictions on the property owners and is unfair to those who own property in the area. He said if the regulations are adopted the property owners will have no control over their property. He said the ordinance also may prohibit other industries from coming to Asheville. He said the state adopted flood control regulations but he thought they were more liberal than the ones proposed by the City. He said he would like an opportunity to compare the two.

Mr. Swain presented the following resolution:

NORTH CAROLINA

BUNCOMBE COUNTY

R E S O L U T I O N

WHEREAS, on July 10, 1980, the City Council of Asheville did pass, on first reading, a certain Ordinance entitled "AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE, NORTH CAROLINA"; and

WHEREAS, on July 16, 1980, the undersigned persons, being taxpayers of Asheville and holding interests in certain business properties located within the areas affected by the said Ordinance, did meet together and form an association and did appoint a spokesman and chairman and did adopt the name of said association, same being ASHEVILLE RIVERSIDE ENTERPRISE ASSOCIATION, hereinafter referred to as AREA; and

Based on the above statutes and the information furnished me
by Mr. William Besser that the government agency known as HUD
did the contracting for this work, clearly shows that this is
a survey for the Federal government and comes under the exemp-
tion provision of the General Statutes.

195

This matter has been discussed with Mr. Dan Oakley of
the Attorney General's Office and he advised that based on
North Carolina General Statutes 143-215.56 (copy attached),
the City has authority to carry out this project under this
statutes, without question, as completed. Also, that the
intent of N.C.G.S. 89C-25 (6) has not been violated.

If Mr. Pankow feels that the Federal government has
violated the General Statutes in practicing surveying in
this State without a license, he should file an action against
the Government under the Statutes.

Finally, Brad Leor of the Federal Government Office in
the Atlanta HUD Office says Federal Laws supersede the State
Statutes and that he will forward us a copy of the Regulations.

If you have any additional questions or need further
clarification, please contact me.

Very truly yours,

William C. Moore
Corporate Counsel

WCM/nr
Enclosures/(2)

Edm. Bob Carr
 Joe W. Wirtall
 Philip W. Wirtall, Jr.
 Philip Wirtall
 Bud Knapp
 Alton B. Day
 Ernest H. Tolson
 James L. Day
 Harold Brownlee
 James S. Anderson
 Henry J. Dwyer
 Vern L. Smith
 Eugene Carr III
 Al. Swetman
 Jim Combest
 Rex Gank
 Joyce Gank
 Bobby Thompson
 J. Edgar McElreath
 Hollis Sprinkle
 BILL TAYLOR
 Clay Chandler
 Thomas Butler
 Emma J. Butler
 Catherine Howard
 James Howard
 William D. Keith
 Kenneth O. Pankon
 John M. Reynolds
 Paul Poe
 Jerry V. Storkens
 Tom Throat
 E. Leason Slosser
 W. J. Lee
 W. J. Lee
 Tom Howard Sr.

Educational Lumber Co. Inc.
 J. M. Whitall & Co.
 - sitting - 2 chairs

Broom River Soc. Co.
 Day's Storage Warehouse
 Brierley & Tolson
 Second and Main St.
 Councilman
 Waldbauer Building Inc.
 Asheville Electric Co.
 City of Asheville
 Cary Lumber Co. (Slosser)
 Asheville Pyro Products
 Asheville Concrete Materials
 CAROLINA SQUARE INC.
 " " "

Schwanen Company
 Schwanen Company
 Three Mountains, Inc.
 HASCO CORP.
 Johnson - Chaudhry Lumber Co.
 Property Owner
 " "
 Smoky Mt. Lumber Co.

David A. Tolson, Jr.
 Engineer

Carley Ford Store
 Terry Storage Co.
 NNC Pallet Co.
 THE SLOSSER CORP.

Asheville Storage Co.
 Asheville Storage Co.
 Asheville Storage Co.
 Asheville Storage Co.
 Asheville Storage Co.
 Asheville Storage Co.

said meeting and explain the impact said Ordinance may have upon the various¹⁹⁷
lands and businesses affected thereby, and the undersigned, being of the
opinion that enactment at this time of said Ordinance would severely reduce
the potential use of their lands and business properties and would impede
the progress of the City of Asheville in the development of new industrial
sites and that the tax base of the City of Asheville would be severely
reduced;

The undersigned members of the AREA do hereby petition the City
Council of Asheville as follows:

1.

That second and third readings of said aforementioned flood plain
Ordinance be postponed indefinitely and that no further action be taken
thereon; or, in the alternative:

2.

That the City of Asheville do enact an Ordinance placing a 90-day
moratorium on the issuance of building permits for expansion of construction
within the flood plain areas of Asheville as shown on the flood plain maps
presented to this association and to preclude material changes in the use of
said lands without permission of the appropriate body of the City of Asheville.

Respectfully submitted to the Mayor and Members of the Council of
the City of Asheville, this the 17th day of July, 1980.

Robert S. Swain
ROBERT S. SWAIN, Spokesman for
ASHEVILLE RIVERSIDE ENTERPRISE ASSOCIATION

Joe Pless
JOE PLESS, Chairman for
ASHEVILLE RIVERSIDE ENTERPRISE ASSOCIATION

Bob Swain -

Joe Pless

Charles F. Day

R. A. Owen -

Don Green

Charles Farrell

Bruce Dooling

John Rapp

Don Rapp

Atty.

Daniel Dick

Days when turn

Dixie - Big Burley - White;

Bancombe Cost Co -

Reactor

Reactor

REXROAT RUBBER CO.

New York Rubber Co.

Asheville, North Carolina, ratifying its resolution of November 8, 1979; approving the Articles of Incorporation, By-Laws and Directors of Victoria of Asheville, Inc.; approving the issuance of two million two hundred fifty thousand dollars (\$2,250,000) First Mortgage Revenue Bonds (Victoria Health Care Center) Series 1980 by Victoria of Asheville, Inc.; approving the form of said bonds; approving the form and content of the indenture of mortgage and Deed of Trust; approving the form and content of the Medical Facility Lease Agreement.

The City Manager read the resolution.

Ken Gummels of Brookwood-Victoria Investments, explained the background and status of the above referred to project. He said the action of this resolution pertains to the carrying out of the intent of the previously adopted resolutions.

The City Manager said this was a new venture of the City and all the documents have been reviewed by Steve Goldstein, Attorney, and he is satisfied with all the documents.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-129 was unanimously adopted.

Complete text of Resolution No. 80-129 will be found in Resolution Book No. 12 at page 149.

ORDINANCE NO. 1173 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (rezoning property located on Clayton Street)

5. Consideration was given the second reading of Ordinance No. 1173, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning property located on Clayton Street.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1173 passed on second reading.

ORDINANCE NO. 1174 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (rezoning property at the corner of Emma Road and Bingham Road)

6. Consideration was given the second reading of Ordinance No. 1174, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property at the corner of Emma Road and Bingham Road.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1174 passed on second reading.

Mr. Swain said if action is deferred, by delay or a moratorium, the property owners would have an opportunity to investigate the accuracy of the maps, the legality of the regulations and perhaps get the State to assist in repairing the bridges and culverts in the area which causes flooding.

Jack Westall, Attorney representing Gennett Lumber Company and one other property owner in the affected area, said this issue is another area where the federal government is taking control and regulating people's property. He said the proposed ordinance could be interpreted in several different ways. He said if the regulations are adopted most of the property would be non-conforming and useless. He said the property owners can regulate their own property as far as flood control is concerned. He also requested that Council delay the readings of the ordinance giving all involved an opportunity to study the issue.

Tom Butler, property owner in the area, spoke in opposition to the proposed ordinance.

Ralph Bishop, said he was opposed to the ordinance because of too much federal control.

Kenneth Pankow said in his opinion the flood way maps are inaccurate. He said other flood control ordinances adopted by other cities are more liberal than the one proposed by the City.

Mr. Bill Britt, of Britt and Tilson, Mr. Dave Featherstone of Sayles-Bleacheries, and Mr. R. A. Owens, spoke in opposition to the proposed ordinance.

Mr. Jerry Sternberg, spoke in opposition to the ordinance. He said more input should be put into the ordinance. He said the only ones who had input in the ordinance was the Planning Division, HUD and TVA.

Mr. Tom Donoho, property owner in the area, said in his opinion, no field survey was made in preparing the floodway maps.

Mayor Trantham called for a recess of Council at 6:00 p. m.

Council reconvened at 6:10 p. m.

After a brief discussion, Councilman Wilkes moved to table the second reading of Ordinance No. 1172 for thirty (30) days, giving all involved an opportunity to further study the issue and come up with an ordinance acceptable by the property owners and the Federal Insurance Administration. This motion was seconded by Councilman Brownlee and carried unanimously.

Councilman Wilkes requested that Mr. Swain appoint a committee of four or five property owners in the flood plain area to work with the Planning Department and Council on the proposed ordinance.

RESOLUTION NO. 80-129 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REAFFIRMING ITS RESOLUTION OF NOVEMBER 8, 1979; APPROVING THE ARTICLES OF INCORPORATION, BY-LAWS AND DIRECTORS OF VICTORIA OF ASHEVILLE, INC; APPROVING THE ISSUANCE OF TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000) FIRST MORTGAGE REVENUE BONDS (VICTORIA HEALTH CARE CENTER) SERIES 1980 BY VICTORIA OF ASHEVILLE, INC.; APPROVING THE FORM OF SAID BONDS; APPROVING THE FORM AND CONTENT OF THE INDENTURE OF MORTGAGE AND DEED OF TRUST; APPROVING THE FORM AND CONTENT OF THE MEDICAL FACILITY LEASE AGREEMENT

4. Consideration was given to a resolution of the City Council of the City of

(2) That the minimum size for the site shall not be less than one (1) acre. However, the Planning and Zoning Commission may increase the required lot size if it finds that such an increase is warranted to maintain the character of the neighborhood where the facility is to be located.

(3) Adequate Off-street Parking.

(4) Adequate Buffering - Minimum requirement shall be as follows:

Two (2) rows of evergreen shrubs planted on the side of the greenbelt facing the residentially zoned lots. These rows shall be no more than three (3) feet apart and the shrubs shall be planted in a staggered pattern no more than six (6) feet apart. These shrubs shall be of a size and species that will grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to a height no less than twelve (12) feet.

(5) Minimum spacing between any detached structure which houses group home facilities for developmentally disabled adults should not be less than 2,500 feet.

(6) No external signage shall be allowed.



VERJR/nr

After discussion, it was decided by Council to continue with the readings of the ordinance as previously presented rather than include the conditions under the "Group Development" section of the Zoning ordinance.

After discussion, Councilwoman Price moved to amend Ordinance No. 1175, by amending Section 1 (C) (5) to read as follows: "(5) Minimum spacing between any detached structure which houses group home facilities for developmentally disabled adults should not be less than 2,500 feet." This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1175, as amended passed on second reading.

ORDINANCE NO. 1175 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (including "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI- Office Institutional District)

7. Consideration was given to the second reading of Ordinance No. 1175, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended including "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI- Office Institutional District).

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, read the following memorandum:

MEMORANDUM

TO: Ken Michalove, City Manager
 FROM: Verl R. Emrick, Jr., Planning Director
 SUBJECT: Group Home Ordinance Proposals
 DATE: July 16, 1980

Last week City Council indicated that as an alternative to addressing the group homes as conditional uses that they be reviewed as a Group Development. If Council wishes to consider this further, the following word changes would accomplish the desired change:

A. That Group Homes for Developmentally Disabled Adults be allowed as a permitted use in all residential zoning districts and in the Office-Institutional District. Provided, however, that prior to the issuance of a building permit each facility shall have met the requirements of a Group Development Review.

Section 30-6-1(E), Exemptions shall not apply when a project is submitted under the provisions of this Ordinance.

B. No change in wording.

C. That the following development standards be included in Article 6. Group Developments, in order to assist the Planning and Zoning Commission in evaluating the impact of any proposed facility within the jurisdiction of this ordinance.

Standards for Group Homes for Developmentally Disabled Adults:

- (1) Facility shall have the appropriate state operating license.

Resolution No. 80-130

- A. Resolution authorizing the Mayor to execute an agreement with the Carolina Power and Light Company for the supply of electricity to the pumping station on Sweeten Creek Road (U.S. 25-A)

HIGHLIGHTS: The Carolina Power and Light Company has submitted an agreement to supply electricity needed for the operation of the water pumping station located on Sweeten Creek Road.

Resolution Book No. 12 Page 151

Resolution No. 80-131

- B. Resolution authorizing the Mayor to enter into an agreement with Talbert, Cox and Associates, Incorporated for the evaluation and design of repairs or replacement of the Chestnut Street Bridge.

HIGHLIGHTS: Due to structural deterioration it has become necessary to close the Chestnut Street Bridge to protect the safety and well being of the traveling public. Talbert, Cox and Associates, Incorporated has submitted an agreement to perform the necessary inspection and evaluation of repair vs. replacement in accordance with the North Carolina bridge inspection format, as approved under the Federal Highway off system bridge program. The proposal is in the amount of \$3,900.00.

Resolution Book No. 12 Page 152

Resolution No. 80-132

- C. Resolution authorizing the expenditure of funds to contract with Six Associates, Inc. for engineering services for the South Pack Plaza Project.

HIGHLIGHTS: During the construction of South Pack Plaza, tunnel and vaults have been uncovered which will complicate structural support for the plaza. Six Associates, Inc. have substantial experience in architectural structural design and are familiar with structures adjacent to the site. This resolution will authorize the Planning Department to contract with Six Associates, Inc. for engineering structural services on a per diem basis and the funds shall be expended from the Planning Department's Urban Development Action Grant administrative funds.

Resolution Book No. 12 Page 153

Resolution No. 80-133

- D. Resolution authorizing the acceptance of a grant from the North Carolina Department of Archives and History for facad improvements to certain historic buildings in the Downtown Historic District.

HIGHLIGHTS: This grant in the amount of \$25,622 will be used for facad improvements to certain historic buildings. This grant will be a 50/50 match with the individual property owners providing the local match.

Resolution No. 80-134

- E. Resolution considering solicitation for architectural services for rehabilitation of Historic Property.

HIGHLIGHTS: This will authorize Requests for Proposals for the architectural services associated with the restoration of the exterior of the YMI Building on Eagle Street.

Resolution Book No. 12 Page 155

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

8. Consideration was given to a motion approving the sale of Disposal Parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
64	Residential	2,000	2,376	L S & M Building Co.
65	Residential	1,900	2,076	L S & M Building Co.
120	Residential	2,496	2,496	Mr. & Mrs. Lacy Pickens
121	Residential	2,423	2,475	Johnny Norris
142	Residential	2,000	5,000	Mr. & Mrs. Cletus Sloan
170	Residential	2,300	2,300	Mr. & Mrs. Lawrence McClain
182	Commercial	35,000	35,000	Neblett & Neblett
193	Residential	1,300	1,300	Hayward Powers

Larry Holt of the Asheville Housing Authority said six of the lots will be used for single family dwellings, one for acreage, and the commercial lot will house Computer Sharing Inc.

Councilwoman Price moved to approve the sale of the disposal parcels in the East Riverside Renewal Project as presented by the Housing Authority. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - PARKS AND RECREATION DEPARTMENT GRANTS PROGRAMS FUND

9. Consideration was given to a budget amendment amending the City of Asheville Parks and Recreation Department Grants Programs Fund.

The City Manager said this budget amendment in the amount of \$3,554, is to provide for the continuation of the Hillcrest Parenting Program enrichment project which is intended to improve the parenting skills of the parents involved in the Hillcrest Enrichment Program in order to reduce the juvenile crime rate in the Hillcrest area.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

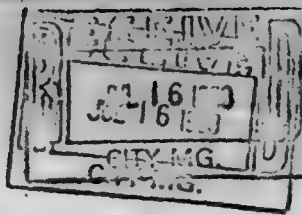
APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff any single item scheduled for approval on the consent agenda may be considered separately:

206

MEMORANDUM TO: Ken Michalove
City Manager

FROM: T. Clark Brown *TCB*
Director of Public Works



DATE: July 15, 1980

SUBJECT: Drainage problems — Mayflower Drive
Mr. and Mrs. Lochard F. Gracey, Jr. (Lot 40, Sheet 13, Ward 2)

Ken, Mr. Gracey and Mr. Roger Grant, a local realtor, visited my office yesterday morning.

They were concerned about a piece of property that Mr. Gracey purchased on Mayflower Drive on Sunset Mountain.

This piece of property is and has been receiving drainage from Mayflower Drive and that property on Sunset Mountain upgrade of the property for many years.

I advised them that under our drainage policy (Resolution 77-49) that it was the responsibility of the property owner to accomodate this drainage for his development and to carry it through his property on alignment with the existing drainageway.

The cost of the drainage improvements on private property is totally the responsibility of the property owner. However, those improvements required by the property owner for his development that is on our system right-of-way can be done on a participation basis where the property owner is responsible for the cost of materials and the city furnishes the equipment and labor.

The size of the culvert under Mayflower Drive at this location is approximately 18" diameter.

The cost of 18" diameter corrugated metal pipe culvert (plain) is \$6.30 per linear foot.

I estimate the cost of constructing a catch basin on Mayflower Drive and carrying the water through Mr. Gracey's property, assuming a culvert length of 200 l. f. to be \$3,800.00 - \$4,500.00.

If you have any questions regarding this, please let me know.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Morris, the consent agenda was unanimously approved.

PRELIMINARY CENSUS INFORMATION

The City Manager reported that the preliminary Census Reports have been received and the report indicates that the population for the City of Asheville has decreased by approximately 7.9%. He said the reports indicate the population in 1970 to be 57,820 and the 1980 to be 53,275. He said this decrease brings the City of Asheville close to the borderline of being under 50,000 which would affect federal funds the City receives. He said this is just another reason why annexation should be considered.

CLAIMS - JANICE MITCHELL HARRELL - WILLIAM M. LUNSFORD - DOROTHY M. SEXTON - CALVIN L. BYRD

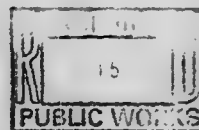
The City Manager presented claims received from Janice Mitchell Harrell, William M. Lunsford, Dorothy M. Sexton, and Calvin L. Byrd.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

DRAINAGE PROBLEMS - SUNSET MOUNTAIN - MR. L. F. GRACEY, JR.

The City Manager read the following letter and report from Clark Brown, Director of Public Works:

The Honorable Kenneth M. Michalove
Asheville City Manager
City Hall
Asheville, North Carolina 28301



Dear Ken:

I represent Mr. Lochard F. Gracey, Jr., and his wife, Marjorie A. Gracey, who own some property on Sunset Mountain, identified on the Tax Maps as Lot 40, Sheet 13, of Ward 2. Mr. and Mrs. Gracey purchased this property in 1974 for the purpose of constructing a house on it.

Excavation has started for the construction of a house which will have approximately 2800 square feet and which is estimated to cost in excess of \$100,000.00. However, the contractors have discovered that there is a culvert under Mayflower Road which at the present time is dumping water onto the Graces' property. It is my understanding that the culvert is located within the right of way owned by the City of Asheville.

As long as this problem exists, the Graces will not be able to complete construction of the house. Therefore, on their behalf, I am respectfully asking that appropriate action be taken immediately to correct this problem so that they would not be deterred in constructing their home. If I may be of assistance to you in any way, please do not hesitate to let me know.

Very truly yours,

Floyd D. Brock
Floyd D. Brock

FDB:elf

There have been no buildings or structures, other than access drives or possibly drainage structures constructed on the R/W. There are some trees of substantial size which have grown up on the R/W, so it appears not to have been used by automobiles in the last several years or at least since it was annexed into the city. It did appear that someone had been walking along the R/W however, since there were some signs of a trail.

Since the property owners who signed the petition have not been denied usage of the R/W for access, do you still feel that we should contact the property owners or proceed with the petition? The next step would be to determine the cost to each property owner and have them sign the agreement to have the street opened, and agreeing to pay their share of the cost.

The cost of \$50.00 per foot was the total cost per foot and was a reach-and-grab estimate. I have asked Engineering to prepare a more realistic estimate.

After discussion, Council instructed the City Manager to write the residents on Forest Street, whose property is adjacent to Maple/Ardmore Street and ask them if they still want the street opened and if they want to pay for the paving of the street.

LPW/bew

REPORT RELATIVE TO 230 MONTFORD AVENUE

The City Manager said he had met with Bob Orr and Bruce Roberts relative to the progress made on the rehabilitation of 230 Montford Avenue. He said the Building Inspector reports that significant progress has been made and the dwelling would not require demolition since the safety work has been completed. He said the ordinance allowing the rehabilitation of 230 Montford Avenue required Mr. Orr and Mr. Roberts to secure a bond in the amount of \$4,000 to assure that the safety requirements were met. He said Mr. Orr and Mr. Roberts are now requesting the City to relieve them of the \$4,000 bond in order for them to use the money on rehabilitating the dwelling.

Corporation Counsel Moore advised Council that an ordinance would have to be adopted amending the ordinance requiring the bond in order for the bond to be relieved.

PROCLAMATION - MONTH OF JULY AS "AID TO MENTALLY RETARDED MONTH"

Mayor Frantham proclaimed the month of July as "Aid to Mentally Retarded Month."

ANNOUNCEMENT OF PUBLIC HEARING - WIDENING OF McDOWELL STREET

The City Manager advised that the N. C. Department of Transportation will be holding a public hearing on July 31, 1980 at 7:30 p. m. in the Commission Room of the Buncombe County Courthouse relative to the widening of McDowell Street (U. S. 25) from a point south of Myrtle Avenue to Southside Avenue in Asheville.

The City Manager said the present policy relative to storm drainage will not permit the city to correct the situation for the Graceys.

After discussion, Council requested that the City Staff investigate the present policy to see what affect it would have if Council changed the policy.

REPORT RELATIVE TO HAZEL MILL ROAD BRIDGE

The City Manager reported that the Hazel Mill Road Bridge has been repaired after being damaged this morning by an automobile accident. He said the Mayor will be making another request of Mr. Tom Bradshaw of the N. C. Department of Transportation to repair or replace the bridge.

REPORT RELATIVE TO PETITION TO OPEN ARDMORE/MAPLE STREET

The City Manager presented the following report relative to the petition from the residents of Ardmore/Maple Street to open the street:

MEMORANDUM TO: Ken Michalove
City Manager

FROM: Larry P. Ward *Lpw*
Director of Planning, Research and
Development/Department of Public Works

DATE: July 8, 1980

Ken, Burl Lance has developed the Apartment Complex off Caribou Road, which abuts the unopened R/W of Maple Street or Ardmore. Mr. Lance used a portion of this R/W for the northern Entrance to his Apartment Complex. Mr. Frady came to us about three or four months ago and complained that Mr. Lance had used the R/W. I called Mr. Lance, and he referred me to Billy Ashley, who had done the engineering for the project.

Billy informed me that he had checked with Mr. Frady and others in the area, prior to laying out the roads and they said they had no problem with part of the R/W being used for the entrance to the Development. Billy said that later after the road was constructed, that Mr. Frady approached them and complained about the access road. At this point, Mike Evans and I rode out and looked to see where fill dirt had been deposited on Ardmore Street, but found none on the opened portion. I later discovered that the portion Mr. Frady was concerned about was that portion which was unopened. At this time, I rode out to the site again and found that about 100 feet of the northern Entrance to the Development was located on what appeared to be the unopened R/W for Ardmore Street. This section was paved and curbed approximately 150 feet. Further down the unopened portion of Ardmore, some fill had been placed on the R/W. I also noticed that there had been a curb cut off of the Entrance road to the Apartments, so that access to the unopened portion of Ardmore was available.

Clark, Buzz and Bill Moore met concerning the use of the R/W and determined that since Mr. Lance's Development joined the southern boundary of the R/W, that he had rights to use the R/W so long as it did not prohibit the property owner who's property adjoined the R/W from using it. There is an old fence along some portions of the R/W, and if the fence is located on the R/W line, it does not appear that access to other property owners along the R/W has been cut off.

Thursday - July 24, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, P. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 17, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the July 17, 1980 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT N. LOUISIANA AVENUE AND HAZEL MILL ROAD

ORDINANCE NO. 1178 AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property at the corner of N. Louisiana Avenue and Hazel Mill Road.

Mayor Trantham opened the public hearing at 4:15 p. m.

Note: The City Manager was out of the meeting temporarily.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its meeting on June 4, 1980, considered the petition of Mrs. Mabel Woody that Ward 6, Sheet 17, Lot 71, be rezoned from R-3 Residential District to CH Commercial Highway District. After discussing the issues of the request the Commission voted to recommend denial of the petition to City Council. However, the City Clerk received a letter, dated June 19, 1980, appealing the decision of the Planning and Zoning Commission and requested that a public hearing be held by the City Council to review this rezoning request. He said the Planning and Zoning Commission felt the rezoning should be denied because of severe traffic problems already existing in the area. It was the Planning and Zoning Commission's feeling that the property has the potential for being commercial after street improvements are made. He said sufficient written protest has been received to warrant a 3/4 affirmative vote (6 votes) of Council to adopt the ordinance for rezoning.

Councilwoman Price said the Transportation Committee has asked the State to widen Louisiana Avenue but action probably will not be taken for at least ten (10) years.

REPORT FROM CORPORATION COUNSEL - SHIPMENT OF NUCLEAR FUEL

Corporation Counsel William C. Moore read N.C.G.S. 160A-183 relative to regulation of explosive, corrosive, inflammable, or radioactive substances. He said by this statute the City could pass an ordinance to restrict, regulate or prohibit the sale, possession, storage, use or conveyance of any explosive, corrosive, inflammable, or radioactive substances, or any weapons or instrumentalities of mass death and destruction within the city. He said the City could adopt such an ordinance but the federal government may come in and supercede the ordinance.

Mayor Trantham advised that a telegram was sent to President Carter, the Chairman of the Nuclear Regulatory Commission, Governor Hunt and Sarah Morrow of the Department of Human Resources from Curtis Ratcliff, Jerry VeHaun and himself requesting that notification of all high-level radiation shipments through Buncombe County and Asheville, N. C. be made to R. Curtis Ratcliff, Chairman Buncombe County Board of Commissioners, Roy M. Trantham, Mayor, City of Asheville, and M. Jerry VeHaun, Civil Preparedness Coordinator Buncombe County, N. C. at least 24 hours prior to such shipments effective immediately. He said he has not received a reply to the telegram but when a reply is received he will report the information to Council.

After discussion, Corporation Counsel Moore said he would contact the appropriate official in Washington to see what federal laws there are in connection with the radioactive substances.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 7:25 p. m.


MAYOR


CITY CLERK

ORDINANCE NO. 1173 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Rezoning property located on Clayton Street)

3. Consideration was given to the third reading of Ordinance No. 1173, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property located on Clayton Street.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1173 passed on third and final reading.

Complete text of Ordinance No. 1173 will be found in Ordinance Book No. 9 at page 148.

ORDINANCE NO. 1174 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (rezoning property at the corner of Emma Road and Bingham Road)

4. Consideration was given to the third and final reading of Ordinance No. 1174, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property at the corner of Emma Road and Bingham Road.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-1, Ordinance No. 1174 passed on third and final reading, with Councilman Boland voting "no."

Complete text of Ordinance No. 1174 will be found in Ordinance Book No. 9 at page 149.

ORDINANCE NO. 1175 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended including "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI- Office Institutional District.

5. Consideration was given to the third and final reading of Ordinance No. 1175, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended including "Group Homes for Developmentally Disabled Adults" as a Conditional Use in all residential zoning districts and in the OI- Office Institutional District.

At the request of Councilman Wilkes, Mr. Emrick, Planning Director, read the ordinance in its final form with amendments previously made by Council.

Rev. William R. Fisher, of the Asheville First Church of the Nazarene, spoke in opposition to the rezoning due to the existing traffic problems. He said they would like to keep the area residential.

Mr. Talmadge Penland, Attorney for Mrs. Mabel Woody, spoke in support of the rezoning. He questioned whether existing traffic problems is a valid reason for denying a rezoning request. He said increased residential property in the area is highly unlikely. He said the property is on the fringe of heavily commercial property. He said the property in question contains approximately 3.3 acres and is prime for commercial development. He said his client has no specific intended use of the property at present but rezoning the property to Commercial Highway would increase the market value of the property.

Mr. George Davis, 379 Louisiana Avenue spoke in opposition to the rezoning of the property. He said he had heard that the owner plans to put a mobile home display on the lot. He said the road has existing traffic problems and more commercial property would add to the problems. He said the road is presently in need of repair. He said once the road is widened the residents of the area would not object to rezoning property in the area to Commercial.

Martha Price of 380 Hazel Mill Road spoke in opposition to the rezoning stating that the rezoning would cause property values to decrease. She said construction on the property would also cause water problems for the residents adjoining the property in question.

Mr. Talmadge Penland said the rumor of the property being used for a mobile home lot is erroneous.

Mr. William E. Page, 350 Hazel Mill Road also opposed the rezoning due to existing traffic problems.

Mayor Trantham closed the public hearing at 4:35 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property as petitioned.

Councilman Cole moved for the adoption of Ordinance No. 1178. This motion was seconded by Councilman Boland.

Vice-Mayor Morris said in his opinion in the future the property in question should be zoned Commercial Highway, however until the traffic problems are alleviated the property should remain zoned for residential use.

Councilman Wilkes said he did not think Council should rezone property just to increase the market value of the property.

On a roll call vote of 6-1, Ordinance No. 1178 failed, with Councilman Cole voting "aye" and Mayor Trantham, Vice-Mayor Morris, Councilwoman Price, and Councilmen Boland, Wilkes and Brownlee voting "no."

Department of Transportation not reimbursed by the Federal Highway Administration. It is necessary for the City to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the devices at the above mentioned highway-railway crossings.

Resolution Book No. 12 Page 156

- B. Resolution No. 80-136 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as American Way/Rash Road six-inch sewer line.

HIGHLIGHTS: On Wednesday, July 9, 1980 bids were opened on the American Way/Rash Road Six-Inch Sewer Line Project. Huntley Construction Company is the apparent low bidder for this contract and this resolution will authorize the signing of the contract, in the amount of \$20,318.00.

Resolution Book No. 12 Page 157

- C. Resolution No. 80-137 - Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 135 Brooklyn Road, 22 Normandy Road, and 18 Weaver Hill for August 21, 1980.

HIGHLIGHTS: The above referred to dwellings have been found to be unfit for human habitation, unsafe and dangerous to life. According to N.C.G.S. 160A-364 a public hearing is required for the adoption of an ordinance directing the Housing Officer to demolish the dwellings.

Resolution Book No. 12 Page 158

- D. Scheduling of a public hearing relative to the adoption of an ordinance amending Ordinance No. 1159, AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE" for August 14, 1980.

HIGHLIGHTS: Ordinance No. 1159 required that Mr. Bob Orr and Mr. Bruce Roberts secure a performance bond in the amount of \$4,000. Substantial progress has been made on the rehabilitation of the house and the owners wish to be relieved of the \$4,000 performance bond. In order to be relieved of the bond an ordinance must be adopted to amend Ordinance No. 1159.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

EXECUTIVE SESSION FOR COUNCIL

Vice-Mayor Morris moved that Council go into executive sessions for the purpose of discussing the acquisition of real property. This motion was seconded by Councilman Cole and carried unanimously. Council went into executive session at 5:10 p. m.

After discussion, Councilwoman Price moved to amend Ordinance No. 1175 by amending Section 1 (C)(2) to read as follows: "(2) The minimum lot size for the site shall be no less than one (1) acre." This motion was seconded by Councilman Boland and carried unanimously.

Upon inquiry of Larry Thompson, Director of Blue Ridge Mental Health, Councilwoman Price explained that the Board of Adjustment, which will have the authority to approve a "Group Home for the Developmentally Disabled Adults" will have the authority to increase or decrease the minimum lot size of any particular facility. She said each facility will be considered individually by the Board of Adjustment.

On a roll call vote of 7-0, Ordinance No. 1175, as amended passed on third and final reading.

Complete text of Ordinance No. 1175 will be found in Ordinance Book No. 9 at page 150.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET - PINE STREET IMPROVEMENTS

6. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

Verl Emrick, Planning Director, presented the budget amendment explaining that the amendment will provide funds for water and sewer improvements on Pine Street in the East End/Valley Street area.

Councilwoman Price moved to approve the budget amendment as presented by the Planning Director. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The Associate City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-135 - Resolution authorizing the Mayor to execute an agreement with the North Carolina Department of Transportation for a railroad crossing signal and gates at the Southern Railroad Crossing at Glendale Avenue, further identified as crossing number 720-480B, and at the Southern Railway Crossing at Bear Creek Road, further identified as Crossing Number 720-397A.

HIGHLIGHTS: The Department of Transportation proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in protective devices at the above mentioned highway-railway crossings. The City of Asheville will reimburse the Department of Transportation for any and all expenses incurred in the planning, design and installation of the protective devices incurred by the

Councilman Boland moved that the City Council approve the contents of the above statement read by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

Councilwoman Price moved that a public hearing be scheduled for August 14, 1980 to consider an ordinance requiring any development within a 3-mile radius of the City Limits meet the subdivision or group development standards of the City of Asheville Zoning Ordinance and must petition for annexation to the City prior to being granted a tap permit to the City of Asheville water system. This motion was seconded by Councilman Cole and carried unanimously.

REQUEST BY COUNCILMAN WILKES - RE: COMPLAINT BY REV. O. T. TOMS RELATIVE TO CABLEVISION

Councilman Wilkes requested that the City Manager investigate a complaint of Rev. O. T. Toms relative to cablevision.

CLAIMS - JOHNNY L. AUSTIN - DONNA C. JACKSON - KATHLEEN GARREN - GERALDINE AUSTIN - MARY LOW HAMMONDS - HAZEL YOUNG - GARY L. CHAPMAN

The City Manager presented claims from the above mentioned individuals.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 80-138 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY

Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution explaining that the surplus property will be sold at a public auction at the Asheville Civic Center on August 9, 1980.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 80-138 was unanimously adopted.

Complete text of Resolution No. 80-138 will be found in Resolution Book No. 12 at page 159.

DISCUSSION RELATIVE TO STATEMENT BY COUNCIL RE: PROPOSED DOWNTOWN MALL

Wayne Caldwell, said in his opinion the statement read by the City Manager and approved by the Council endorsed the Strouse Greenberg Downtown Complex. He said he was disturbed that Council did not give the public an opportunity to comment on the statement before Council approved the statement. He said he was concerned about the speed and haste in which the motion for approval was made.

Mayor Trantham said the action taken by Council was not an endorsement of the downtown complex but the intent of Council was to put all the mall proposals into an open market and whoever gets the anchor stores will get the mall.

David Matney, attorney representing Save Downtown Asheville, said there was no question of the Council's legal right to approve the statement but the Council was unfair in approving it before allowing the public to speak. He spoke in opposition to the downtown proposal by Strouse Greenberg.

Council reconvened into regular session at 5:30 p. m.

DISCUSSION RELATIVE TO PROPOSED MALLS FOR ASHEVILLE AND BUNCOMBE COUNTY

The City Manager read the following statement:

Three shopping centers have been proposed and/or are in the development stages: Biltmore Estate, I-26/Brevard Road; I-240 - Brevard Road, and Downtown. Based on these proposals, the City Council instructs the City Manager to:

1. Prepare a statement that the City approves the concept of the Downtown Shopping Complex provided:
 - a) Favorable relocation plan is implemented for existing businesses and residences.
 - b) That the area meets the criteria of the N. C. General Statutes for redevelopment of blighted areas.
 - c) That there is no financial liability whatsoever to the City other than the normal costs of City service delivery to any business or residence.
 - d) That the City approve the non-profit corporation.
 - e) That concrete approval from anchor stores is obtained.
 - f) That a federal grant application must be approved by the City Council.
 - g) That rents/lease payments must be adequate to cover debt service.
 - h) That City Council approve final plans and specifications as to architectural design.
 - i) That the developer/non-profit corporation comply with all ordinances of the City and laws of the State of North Carolina.
2. Contact the developer of the Westland Mall and determine if the developer is still interested in rezoning; if so, prepare a legal opinion regarding whether or not the City Council may on its own motion rezone this property.
3. That a request be made of HUD to do an Economic Impact Study of the Biltmore Estate/I-26/Brevard Road proposal and a traffic and transportation study be made of this site by the Transportation Advisory Committee.
4. That the City Council schedule a public hearing for August 14, 1980, to consider an ordinance requiring any development within a 3-mile radius of the City limits meet the subdivision or group development standards of the City of Asheville Zoning Ordinance and must petition for annexation to the City prior to being granted a tap permit to the City of Asheville water system.

Monday - July 31, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilmen Walter R. Boland, H. C. Wilkes and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Acting City Clerk, Carol Hensley.

Absent: Councilwoman Norma T. Price and Councilman F. Jack Cole
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 24, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, the minutes of the July 24, 1980 meeting were approved as submitted.

PROCLAMATION - "BELE CHERE FESTIVAL 1980"

2. Mayor Trantham proclaimed August 14, 15, and 16, 1980 as "Bele Chere Festival 1980."

RESOLUTION NO. 80-139 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION
RELATIVE TO THE BELE CHERE FESTIVAL

3. Consideration was given to a resolution authorizing certain official action relative to the Bele Chere Festival to be held August 14, 15, and 16, 1980.

Verl Emrick, Planning Director, read the resolution stating that in order to facilitate the success of the "Bele Chere Festival 1980" certain actions, contained in the resolution, must be taken by Council such as the authorization to close certain streets, waiving of the requirements of Section 25-5, Selling on Streets and Sidewalks, and Section 25-6, Use of Streets and Sidewalks for Demonstrations, and the waiving of parking fees on certain parking lots.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 80-139 was unanimously adopted.

Complete text of Resolution No. 80-139 will be found in Resolution Book No. 12 at page 161.

Mr. Tom Dabney, Chairman of the Bele Chere Festival Committee, thanked Council for their support in the program and presented each member of Council with a T-shirt for the Bele Chere Festival.

Ms. Austin of 320 Town Mountain Road spoke in opposition to the proposed Strouse Greenberg Downtown Complex.

Jan Schochet, 111 Lakeshore Drive, read excerpts of an editorial, copies of which were presented to Council, in essence opposing a downtown mall.

Ralph Burns, 35 Cullowhee Street said he owns a business in the Lexington Park area and felt it was a dangerous illusion that a mall can save downtown. He said the progress being made in Lexington Park and other areas should be allowed to continue with the city's support rather than being torn down to make room for an outside project.

Lou Millian, of T. S. Morrison Company on Lexington Avenue, also opposed a downtown mall complex. He said if another suburban mall is built, downtown Asheville will not perish. He said the downtown area will grow and prosper without a downtown mall.

Kathryn Long of Griffing Blvd. also spoke in opposition to a downtown mall complex.

Sarah Long, a downtown business merchant, spoke in opposition to a downtown mall complex.

Alfred Ramirez, operator of Lexington Courtyard Studio, opposed a downtown mall and said Council should have waited until staff studies are completed concerning the feasibility of the downtown project before taking any action.

Gerald Brown of 17 Carolina Lane also spoke in opposition to a downtown mall complex.

RALPH BISHOP - LOTTERY SALES - DOWNTOWN MALL PROPOSAL

Ralph Bishop again spoke to Council relative to the lottery sales in Asheville, the corrupt Asheville Police Department, and opposed the proposed downtown mall complex.

Rev. Pete DeSiax, Chaplain of the Asheville Police Department, in rebuttal to comments made by Ralph Bishop, spoke in support of the Asheville Police Department.

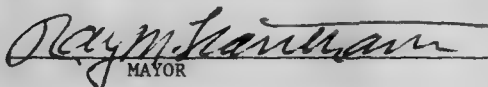
Vice-Mayor Morris thanked Rev. DeSiax for making his comments.

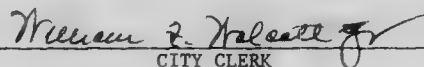
DOWNTOWN MALL PROPOSAL

Larry Hutton, of the Central Asheville Association, said his group had offered its wholehearted support for the downtown proposal. He said the staff report has been delayed because the inspections of the property have not been completed. He said it is important that the inspections be completed as soon as possible. He said the downtown mall proposal is a great opportunity for the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the meeting adjourned at 6:30 p. m.


MAYOR


CITY CLERK

Mr. Emrick said the ordinance imposes a requirement for a Certificate of Appropriateness before certain architectural changes can be made in the exterior of the structures in the area. He said the Certificate would be issued by the Historic Resources Commission upon application to the Commission. He said a Certificate would be required for new construction, exterior changes, walls, fences, lights, fixtures, steps, pavements, or any substantial change in landscaping or colors of the particular structure. He said the ordinance will not require a certificate for ordinary maintenance or interior changes. He said the ordinance does require a 180 day waiting period prior to the issuance of a demolition permit in order to give the Historic Resources Commission or other interested organizations time to find a buyer for a structure slated for demolition.

Upon inquiry of Vice-Mayor Morris, Mr. Emrick said the Historic Montford Committee endorses the ordinance to maintain the integrity of the area.

Upon inquiry of Councilman Boland, Mr. Bob Orr, Past-Chairman of the Historic Resources Commission, said he did not think there would be an increase in residents dislocated because of increased property values in the area.

Vice-Mayor Morris and Councilman Wilkes expressed concern about being assured that every property owner in the area was aware of the restrictions the ordinance would place on them.

After discussion, Mayor Trantham closed the public hearing at 4:45 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1179. This motion was seconded by Vice-Mayor Morris.

Vice-Mayor Morris commented that he was still concerned about every property owner being notified stating that they probably needed to be sent a certified registered letter explaining the ordinance to them. He said if Council adopts the ordinance and later determines that it is causing problems Council could then rescind the ordinance.

On a roll call vote of 3-2, Ordinance No. 1179 failed on first reading, with Councilman Boland, Vice-Mayor Morris and Mayor Trantham voting "aye" and Councilman Wilkes and Councilman Brownlee voting "no."

Councilman Boland recommended that a committee comprised of Councilman Wilkes, Councilman Brownlee and citizens interested in the district, along with himself, be formed to discuss the proposed ordinance in an effort to come up with a suitable ordinance. He said, at the request of Councilman Wilkes, that perhaps the size of the district could be reduced.

PUBLIC HEARING - REZONING PROPERTY ON BEAVERDAM ROAD

ORDINANCE NO. 1180 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to rezoning property located on Beavardam Road from R-3 Residential District to Commercial Highway.

PUBLIC HEARING - URBAN MASS TRANSPORTATION ACT GRANT - CAPITAL IMPROVEMENT

RESOLUTION NO. 80-140--RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A CAPITAL IMPROVEMENT GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

4. A public hearing was held relative to the filing of an application with the Department of Transportation, United States of America, for a Capital Improvement Grant under the Urban Mass Transportation Act of 1964, as amended.

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Owenby of the Planning Staff, said this application will apply for a grant for the purchase of ten (10) air conditioned, lift equipped, diesel engine, transit buses for replacement purposes and three hundred (300) bus signs. He said the total grant will be \$1,248,500, with the city and state providing a ten percent (10%) match.

Mayor Trantham closed the public hearing at 4:25 p. m.

Verl Emrick, Planning Director, read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 80-140 was unanimously adopted.

Complete text of Resolution No. 80-140 will be found in Resolution Book No. 12 at page 163.

PUBLIC HEARING - AMENDING ZONING ORDINANCE BY INCLUDING ARTICLE 12 - "THE MONTFORD HISTORIC DISTRICT"

ORDINANCE NO. 1179 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to amending the Zoning Ordinance, by including an Article 12 to be known as "The Montford Historic District."

Mayor Trantham opened the public hearing at 4:28 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said for the past several months the Asheville-Buncombe Historic Resources Commission has been working to establish a local historic district in the Montford area. He said in order to do this Council must pass an ordinance which will impose certain criteria, which will be overlaid by the city's zoning jurisdiction by including an Article 12 in the Zoning Ordinance to be "The Montford Historic District." He said the Planning and Zoning Commission considered the amendment to the Zoning Ordinance on several occasions and did at its July meeting recommend to Council that the amendment be approved.

Councilman Boland said the moratorium period would give Council an opportunity to contact the legislative delegation in an attempt to have the statutes amended relative to the restrictiveness imposed on the City concerning group homes for the developmentally disabled adults. He said this would also give Council an opportunity to contact the Attorney General relative to the City of Asheville being an "institutionally impacted" area as well as Sarah Morrow, with HUD relative to the distribution of such homes.

The City Manager commented that a written statement by the Mayor, was recently presented at a public hearing held by the State Mental Health Board which requested that they look into the proposed group home for the Kenilworth area. He said the statement also requested that they look into the existing St. Dunstan's Group Home.

Mayor Trantham closed the public hearing at 5:05 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1181. This motion was seconded by Councilman Boland.

On a roll call vote of 5-0, Ordinance No. 1181 passed on first reading.

BUDGET AMENDMENT - WATER AND SEWER SERVICES DEPARTMENT OPERATING BUDGET

8. Consideration was given to a budget amendment amending the Water and Sewer Services Department Operating Fund Budget for Fiscal Year 1980-81.

The City Manager presented a budget amendment which would reflect budgetarily the organizational structure of the Water and Sewer Services Department and to provide the necessary funding for a part-time position in the Customer Service Division necessitated by conversion to a monthly billing cycle. He said this amendment would condense 19 accounts into 6 accounts.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

9. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$210,155 which would reprogram unused funds in the Incentive Housing Program. The funds would be put into the Contingency Fund to be reallocated by Council.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

Mayor Trantham opened the public hearing at 4:50 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, at its meeting on July 2, 1980, reviewed a request of Mrs. Betty Moore, Agent for Mrs. Genevieve Fowler that Ward 9, Sheet 6, Lot 28-1/4, and Mr. and Mrs. Clee Bishop that Ward 9, Sheet 6, Lot 28 be rezoned from R-3 Residential District to Commercial Highway. After discussion, the Commission voted to recommend to City Council that Lot 28 be rezoned to Commercial Highway with the exception of a 25' strip on Piedmont Avenue which would remain R-3 Residential District. The Commission further recommended that the 25' strip be used as the required buffer and planted according to the provisions of Section 30-3-14 (A) (2) of the Zoning Ordinance. The Commission also voted to recommend that the rezoning of Lot 28-1/4 to Commercial Highway be denied.

Mr. Emrick said the owners of the property plan to use the land for an office and small shop in an existing structure. He said no opposition to the rezoning had been received. He said the stipulations outlined by the Planning and Zoning Commission were accepted by the petitioners.

Mayor Trantham closed the public hearing at 4:58 p. m.

Verl Emrick, Planning Director, read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1180. This motion was seconded by Councilman Boland.

On a roll call vote of 5-0, Ordinance No. 1180 passed on first reading.

PUBLIC HEARING - IMPOSING MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS

ORDINANCE NO. 1181 - AN ORDINANCE IMPOSING A MORATORIUM ON DEVELOPMENT OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS WITHIN THE JURISDICTION OF THE CITY OF ASHEVILLE

7. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on the issuance of building permits for Group Homes for the Developmentally Disabled Adults within the limits of the City of Asheville.

Mayor Trantham opened the public hearing at 5:00 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this ordinance was prepared at the direction of Council. He said the moratorium period would give Council an opportunity to more closely examine the standards set for the homes.

CLAIMS - JAMES M. GARNER - DEWEY C. RHODEN - BUNCOMBE COUNTY ENTERPRISES -
DEWEY KASEY

The City Manager presented claims received from James M. Garner, Dewey C. Rhoden, Buncombe County Enterprises, and Dewey Kasey.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMPLAINTS RELATIVE TO OBTAINING CITY RECORDS

Ralph Bishop voiced complaints to Council relative to his difficulty in obtaining a copy of a contract between the City of Asheville and the Blue Ridge Community Mental Health and a copy of a contract between the City of Asheville and the Department of Commerce relative to the Inspections Division inspecting thermostats in government buildings.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, the meeting adjourned at 5:25 p. m.


MAYOR


CITY CLERK

BUDGET AMENDMENT - PARKS AND RECREATION DEPARTMENT BUDGET FOR 1980-81

10. Consideration was given to a budget amendment amending the Parks and Recreation Department Budget for 1980-81.

The City Manager presented the budget amendment, in the amount of \$1,370.00 which is to allow the completion of the enrichment program at Hillcrest Community Center by transferring the balance of uncommitted 1979-80 funds to the 1980-81 fiscal year budget.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-141 - Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: The Urban Mass Transportation Administration recently established new guidelines for the participation of Minority Business Enterprise in federally assisted projects. The purpose of this resolution is to update Resolution No. 80-118, adopted June 19, 1980, by incorporating the new Minority Business Enterprise language required by UMTA.

Resolution Book No. 12 Page 165 .

- B. Resolution No. 80-142 - Resolution authorizing the Mayor to enter into an agreement with the Buncombe County Commissioners for a federal grant under the Comprehensive Employment and Training Act of 1973, for Fiscal Year 1980-81.

HIGHLIGHTS: The Advisory Council of the Buncombe County Employment and Training Office has approved the City of Asheville's application for funding in the amount of \$116,126.00. This resolution will authorize a contractual agreement with the Buncombe County Board of Commissioners for the implementation of the CETA program.

Resolution Book No. 12 Page 166 .

Upon motion of Councilman Brownlee, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

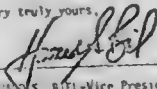
the City of Asheville in accordance with the provisions of the law governing petitioned annexation, we anticipate that our petition for annexation will occur within twenty-four months after our construction start. The conditions for our petitioning to annex into the City are that the City in the interim give us and our agents, architects, engineers and contractors the same degree of cooperation, technical advice and service in the development of a water and sewer system as would be provided for a property owner located in the City limits.

It is our understanding that the Act of petitioning for annexation will not affect any other property outside of the area of the proposed mall and that the City of Asheville can not use the petition for annexation of this property which is detached from the main boundary of the City for purposes of establishing a one mile perimeter in which extra territorial jurisdiction for zoning might be exercised.

This is to further advise you that it is our intent to comply with all relevant North Carolina building codes in the construction of the regional mall. Further, we will take into consideration the group development provisions of the City of Asheville's Zoning Ordinance, as they relate to parking areas, street improvements, and the like. While we will not be subject to such ordinances during the construction of the regional mall, we do agree to keep the City's planning and zoning office, and such other City offices as might be appropriate, advised of the plans, specifications and schedules of construction. Comments and suggestions from the City will be welcomed and carefully considered.

We look forward to working with you and the County Board of Commissioners toward a development which will be a great asset to metropolitan Asheville.

Very truly yours,


 WILLIAM S. BIEL-Vice President
 THE EDUARDO J. DEBARTOLO CORP.


 GEORGE H. V. CECIL

Thursday - August 14, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole, and Councilwoman Norma T. Price, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 31, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the July 31, 1980 meeting were approved as submitted.

PRESENTATION OF REQUEST BY EDWARD J. DeBARTOLO CORPORATION AND MR. GEORGE H. V. CECIL - ANNEXATION INTO THE CITY OF ASHEVILLE FOR PROPOSED REGIONAL MALL

2. Philip C. Carson, Attorney for Mr. George H. V. Cecil and the Edward J. DeBartolo Corporation read the following letters:

The Honorable Roy M. Trantham, Mayor.
Members of Asheville City Council
Asheville City Hall
Asheville, North Carolina

Dear Mayor Trantham and Members of Council:

The undersigned, The Edward J. DeBartolo Corporation and Mr. George H.V. Cecil, will be the developers and owners of a regional mall located at the Southwestern quadrant of the intersection of Interstate 26 and N.C. 191. The proposed regional mall will occupy between 100 and 125 acres of land which presently lie outside the City of Asheville.

This is to advise you that subject only to the conditions set forth below, the owners of the proposed mall (or their respective assigns) will promptly upon its completion, and not later than the day of the Grand Opening of the mall, petition the City Council of Asheville that the mall property and its improvements be annexed forthwith into

Councilwoman Price, in light of the request presented by Mr. Carson on behalf of his clients, moved that the city staff be instructed to make a study of how much water would be needed for the proposed project and what type of services would be needed in order that Council can act on this matter, by official resolution, when the studies are complete. This motion was seconded by Councilman Boland and carried unanimously.

PUBLIC HEARING - AMENDING ORDINANCE NO. 1159, "AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE"

ORDINANCE NO. 1182 - AN ORDINANCE AMENDING ORDINANCE NO. 1159, "AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE"

3. A public hearing was held relative to amending Ordinance No. 1159, "An ordinance to rehabilitate or demolish the dwelling house known as 230 Montford Avenue."

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication.

The City Manager read the ordinance stating that Ordinance No. 1159 required that Mr. Bob Orr and Mr. and Mrs. Bruce Roberts, owners of 230 Montford Avenue, secure a performance bond in the amount of \$4,000. He said substantial progress has been made on the rehabilitation of the dwelling and the owners wish to be relieved of the \$4,000 performance bond. He said this ordinance will amend the ordinance and relieve the owners of the performance bond requirement.

Mayor Trantham closed the public hearing at 4:23 p. m.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1182. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1182 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed with the second reading of Ordinance No. 1182. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1182 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed with the third and final reading of Ordinance No. 1182. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1182 passed on third and final reading.

Complete text of Ordinance No. 1182 will be found in Ordinance Book No. 9 at page 161.

LAW OFFICES
ADAMS, HENDON, CARSON & CROW, P.A.
SUITE 601 FIRST UNION NATIONAL BANK BUILDING
52 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28807

JENNIFER G. ADAMS, JR.
GEORGE WARD HENDON
PHILIP G. CARSON
A. JEROME CROW
JAMES GARY ROWE
GEORGE W. MAENIGER

August 12, 1980

POST OFFICE BOX 7048
TELEPHONE 258-7341
AREA CODE 704

The Honorable Roy M. Trantham, Mayor
Members of Asheville City Council
Asheville City Hall
Asheville, North Carolina

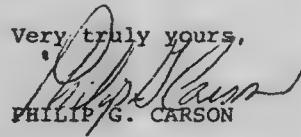
Dear Mayor Trantham and Members of Council:

We represent The Edward J. DeBartolo Corporation and Mr. George H. V. Cecil and have this day handed you their letter directed to you by which they commit themselves or their assigns to petition for annexation of a proposed regional mall to be located at the Southwestern quadrant of the intersection of Interstate 26 and N.C. 191.

This letter is to clarify two points. First, our clients realize that the City does not own the sewage system and the reference to the City's providing service in the development of a sewage system is not intended to imply that the City would undertake any obligation of running lines or otherwise providing the sewage system.

Secondly, our clients agree to review or have their architects and engineers review any City building codes and group development provisions of the City of Asheville's Zoning Ordinance as they are now in effect that the City wishes to submit to our clients and to promptly advise you of any relevant provisions of such codes or ordinances with which they have reason to believe that they will not comply.

Very truly yours,


PHILIP G. CARSON

PGC/nms

cc: The Edward J. DeBartolo Corp.
Mr. George H. V. Cecil

TO WHOM IT MAY CONCERN:

Let it be known, that We object to item #4 because....
Such punitive measures will jeopardize existing industries and enterprises and place an added burden upon both business and jobs, already suffering from the symptoms of a flagging economy; AND, will make the area undesirable for future industry and enterprise, which is badly needed to off-set the effects of inflation and recession on both business and jobs.

Sincerely

Ray Stepp
Ray Stepp-President
WNC/Central Labor Council
Asheville, N.C.

Bob Wurst, Budget Officer, presented a report to Council resulting from an informal telephone poll of ten (10) of North Carolina's larger cities to compare their policies concerning supplying water to unincorporated areas. He said nine (9) of the ten (10) cities indicated that they have double water rates outside the city limits and the tenth has triple rates outside the city limits. He said Asheville is not allowed to charge higher rates outside the city because of the Sullivan Act, which is exclusive to Buncombe County. He said most of the cities surveyed said that double water rates outside the city is enough incentive for growth inside the city, but two cities said they had used satellite annexation in the past. He said one of the cities surveyed requires annexation before supplying water to new developments and three (3) have unwritten policies to encourage annexation. He said one city does not provide any water to unincorporated areas.

Floyd Brock, County Attorney for the Buncombe County Board of Commissioners, read the following statement:

STATEMENT BY FLOYD BROCK TO ASHEVILLE CITY COUNCIL

AUGUST 14, 1980

I am here today to request, on behalf of the Buncombe County Board of Commissioners, that you do not proceed with the ~~enactment~~ *adoption* of the resolution being considered.

You have stated that you have proposed this resolution in an attempt to insure continued economic growth of the city; to prop up an eroding tax base, and to provide additional revenues. Though we understand *are* in sympathy with your motivations, we clearly disagree with the method you have chosen.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE SPECIFYING THAT ANY PROPOSED DEVELOPMENT PROJECT, WHICH IS TO BE LOCATED WITHIN A 3-MILE RADIUS OF THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND WOULD NORMALLY REQUIRE A GROUP DEVELOPMENT APPROVAL OR APPROVAL OF A RESIDENTIAL SUBDIVISION, IF SAID DEVELOPMENT WERE LOCATED WITHIN THE CITY'S JURISDICTION, THE DEVELOPERS OF SAID PROJECT MUST SUBMIT A PETITION FOR ANNEXATION TO THE CITY COUNCIL. SAID ANNEXATION PETITION MUST BE APPROVED BY ASHEVILLE CITY COUNCIL PRIOR TO ISSUANCE OF A TAP PERMIT TO THE CITY OF ASHEVILLE WATER SYSTEM

4. A public hearing was held relative to the adoption of an ordinance specifying that any proposed development project, which is to be located within a 3-mile radius of the Corporate Limits of the City of Asheville and would normally require a group development approval or approval of a residential subdivision, if said development were located within the City's jurisdiction, the developers of said project must submit a petition for annexation to the City Council. Said annexation petition must be approved by Asheville City Council prior to issuance of a tap permit to the City of Asheville Water System.

Mayor Trantham opened the public hearing at 4:25 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Trantham said since the scheduling of this public hearing Council has decided not to take action on the matter at this meeting but to table action indefinitely and request that a more thorough study be made.

The City Manager said when the public hearing was scheduled Council made a general statement as to what they would be considering. He said since that time a precise resolution has been prepared defining exactly what action Council will be considering.

Verl Emrick, Planning Director, read a resolution considering an amendment to Section VII, procedures for water extensions outside the corporate limits of the City of Asheville's Water and Sewer Extension Policy adopted in 1978. This resolution explained in detail what action is involved in the amendment.

Mary Robertson, Executive Secretary for the Asheville Central Labor Union read the following letter:

August 14, 1980

To: Mayor Trantham and Members of Asheville City Council

Re: Item #4, Agenda for August 14, 1980 Meeting of Asheville City Council. Public hearing relative to the adoption of an ordinance specifying that any proposed development project, which is to be located within a 3 mile radius of the Corporate Limits of the City of Asheville and would normally require a group development approval or approval of a residential subdivision, if said development were located within the City's jurisdiction, the developers of said project must submit a petition for annexation to the City Council. Said annexation petition must be approved by Asheville City Council prior to issuance of a tap permit to the City of Asheville Water System.

It was stated by city officials that the city has no obligation to provide water to areas beyond the city limits when, years ago, the city undertook both the moral and legal obligation to do just that. It is our opinion that, once the city has undertaken the obligation to provide water to areas beyond its boundaries, it cannot rightfully place such self-serving restrictions on its use. If the city feels that it has no obligation to water users outside the city limits, then it should rightfully relinquish this obligation to an authority which would be responsible to all water users.

The county has, in the past, and will continue to seek a partnership with the city. The resolution which is being prepared for amendment today is, in fact, a joint policy adopted by both the City of Asheville and the County of Buncombe in August, 1978. Any changes to this policy should also be considered by both bodies. We still contend that the best route to the solution of these problems is through partnership. If the goal is to change development policies and trends, and turn around a deteriorating city tax base, then we should work together toward this goal. If the goal is to provide adequate water to support a growing economy, then we should work together toward this goal. Through partnership, much can be accomplished. Confrontation will only bring about economic decay for us both.

We thank you for your time to address this serious matter and again, we would ask that you not proceed further with this policy as written.

The Board of Commissioners is clearly aware of the city's need for increased economic development in and around the city. I can assure you that they are aware of your increased budgetary demands and your continuing need for additional revenue. To this end, the Board offered in excess of 1.6 million dollars in tax relief to city residents which, at Monday's meeting, this Council refused.

Today, in an effort to improve ^{The City's economic condition} your situation, you are proposing a policy which in our opinion will only result in an acceleration of the declining economic spiral which the city is caught in and will drag the county down with you. The policy you propose will make it impossible for either the city or the county to provide adequate services or to carry out a policy of orderly growth and development in a major portion of Buncombe County. The City, by adopting this policy, would be ^{Subjecting} ~~opposing~~ itself to ^{Possible} legal action. And, finally, you as City Council members, would be further eroding any chance of partnership which exists between the city and the county.

As you can see on this map, the three-mile area would extend from almost to the Henderson County line to the south and to the center of the Town of Weaverville on the north; from beyond Candler on the west, and almost to Swannanoa on the east. The majority of the developable portion of Buncombe County is affected.

The laws governing annexation of non-contiguous areas (G.S. 160-A-58.1 B3) state "the area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits". It is our opinion that the city would be unable to provide adequate service to a scattered number of new developments throughout the county. Further, that by taking the tax base from these areas, you would greatly affect other service arrangements to such as volunteer fire districts, franchise haulers, and water and sewer districts.

The adoption of this policy would set back an economic development effort currently being carried out by the county and the Chamber of Commerce for years to come. For the same reasons that new industrial prospects have refused to locate in the city, they will now refuse to locate within this proposed three-mile area. As a result, new growth will be forced to the outer fringes of the county and to other counties, thus defeating your own purposes and eroding the tax base on the only land you have left.

On a roll call vote of 6-0, Ordinance No. 1180 passed on third and final reading.

Complete text of Ordinance No. 1180 will be found in Ordinance Book No. 9 at page 158.

ORDINANCE NO. 1181 - AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED ADULTS WITHIN THE LIMITS OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of Ordinance No. 1181, an ordinance imposing a moratorium on the issuance of building permits for Group Homes for the Developmentally Disabled Adults within the limits of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1181 passed on second reading.

BUDGET AMENDMENT - CAPITAL PROJECTS FUND BUDGET - PACK SQUARE REVITALIZATION PROJECT

7. Consideration was given to a budget amendment amending the Capital Projects Fund Budget for the Pack Square Revitalization Project.

The City Manager presented the budget amendment, stating that this budget amendment, in the amount of \$192,000, is to refund the county's portion of the sale of Pack Library in the amount of \$70,503 and to provide additional funding for the Pack Square project in the amount of \$192,000, of which \$88,000 is the county's share and \$104,000 is the city's share.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET - WEST ASHEVILLE STREET AND DRAINAGE PROJECT

8. Consideration was given to a budget amendment amending the Community Development Fund Budget.

The City Manager presented the budget amendment, stating that this budget amendment, in the amount of \$32,154, is to close out the completed Burton Street Area Public Works Project and transfer funds to the uncompleted West Asheville Street and Drainage Project.

Vice-Mayor Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

Mrs. Elrod of Michigan Avenue interrupted the discussion and brought up the subject of Council rezoning property off Michigan Avenue and State Street, in 1977, from Residential to Light Industrial. She said the property was rezoned but the developers were not allowed to use Michigan Avenue and State Street as an access to the property. She said the developers are using Michigan Avenue and State Street as an access which is causing many problems, such as dust, in the neighborhood. She said this action is in violation of the ordinance rezoning the property.

The City Manager advised that this issue is being investigated by the city staff and legal matters involving the matter are also being investigated. He said when investigation is complete he would notify Mrs. Elrod of the findings.

Edmund Burke, Jr., a resident of the Crowfields Condominium complex, said he was shocked at the city using water resources as a weapon to increase the city's tax base. He said if Council adopted such a policy, industry in the county would come to a halt.

Phil Elam, of the Chamber of Commerce Economic Development Council, said the Chamber is sympathetic to the city's economic restrictions and the chamber has tried in the past to get industries into the city, however as all over the country, industries want outside the city limits.

Jim Adams, a county resident, said he felt the Buncombe County Commissioners are trying to compromise with the City on the water system issue. He said it seems to him that the City is not willing to compromise. He urged Council to seek a peaceful, equitable solution between the city and county on the water system issue.

Ralph Bishop said it would be unconstitutional for the City to charge water users in the county more than they charge city users.

Mayor Trantham closed the public hearing at 5:03 p. m.

Councilman Boland moved to table action on this issue indefinitely. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1180 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property located on Beaverdam Road)

5. Consideration was given to the second reading of Ordinance No. 1180, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property located on Beaverdam Road from R-3 Residential District to Commercial Highway.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1180 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1180. This motion was seconded by Councilman Boland and carried unanimously.

Upon motion of Vice-Mayor Morris, seconded by Councilman Brownlee, Resolution No. 80-144 was unanimously adopted.

Complete text of Resolution No. 80-144 will be found in Resolution Book No. 12 at page 168.

RESOLUTION NO. 80-145 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION RELATIVE TO THE BELE CHERE FESTIVAL

13. Consideration was given to a resolution authorizing certain official action relative to the Bele Chere Festival.

Verl Emrick, Planning Director, read the resolution explaining that at the July 31, 1980 meeting Council adopted a resolution authorizing the closing of certain streets in connection with the Bele Chere Festival to be held on August 14, 15, and 16, 1980. He said this resolution will authorize the closing of certain other streets for the Bele Chere Parade and a bicycle race during the Festival.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 80-145 was unanimously adopted.

Complete text of Resolution No. 80-145 will be found in Resolution Book No. 12 at page 169.

APPROVAL OF THE CONSENT AGENDA

14. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-146 - Resolution authorizing the City Manager to enter into a contract with WNC Parking Lot Services, Inc.

HIGHLIGHTS: This resolution will authorize an extension of twelve (12) months for the contract presently with WNC Parking Lot Services, Inc. for the purpose of keeping the Parking Garage clean. The contract period shall begin September 1, 1980.

Resolution Book No. 12 Page 170

- B. Resolution No. 80-147 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville an application and subsequent documents for federal assistance for ADAP Project 6-37-0005-06, Grooving Runway 16-34 and purchase of snow removal vehicles.

HIGHLIGHTS: The Asheville Regional Airport Authority is applying for funds for the grooving of runway 16-34 and purchasing of snow removal vehicles. FAA requires that sponsors, being the City of Asheville and the County of Buncombe, sign Sponsor Assurances contained in the application for federal assistance.

Resolution Book No. 12 Page 171

BUDGET AMENDMENT - FEDERAL GRANTS PROGRAM BUDGET - PARKS AND RECREATION DEPARTMENT

9. Consideration was given to a budget amendment amending the Federal Grants Program budget for 1980-81.

The City Manager presented the budget amendment, stating that this budget amendment in the amount of \$2,605.00 is to provide a series of new recreation programs aimed at deterring juvenile crime in the Reid Memorial, Stephens-Lee, and Hillcrest Community Center areas.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET - INCENTIVE HOUSING PROGRAM

10. Consideration was given to a budget amendment amending the Community Development Fund Budget.

The City Manager presented the budget amendment, stating that this amendment in the amount of \$35,000 is designed as a "record keeping tool;" funds collected from developers (East Riverside Urban Renewal) for property sales are held in escrow until houses built on the lots are sold to a resident. The full purchase price of the property is returned to the developer and the savings passed to the resident purchaser of the house. The establishment of this program was made necessary upon the close-out of the Urban Renewal Project R-48.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 80-143 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (Regent Park Area) (Annexation)

11. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S. 160A-31 relative to an area in the Regent Park area off Patton Avenue, being annexed in the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-143 was unanimously adopted.

Complete text of Resolution No. 80-143 will be found in Resolution Book No. 12 at page 167.

RESOLUTION NO. 80-144 - RESOLUTION AUTHORIZING ATTORNEY HAROLD K. BENNETT TO FILE FOR A DECLARATORY JUDGEMENT ON THE SULLIVAN ACT

12. Consideration was given to a resolution authorizing Attorney Harold K. Bennett to file for a declaratory judgement on the Sullivan Act.

The City Manager read the resolution.

REQUEST FOR STUDY - REZONING OF EMMA AIR PARK PROPERTY

Councilman Boland moved that the Planning Staff and the Planning and Zoning study the feasibility of rezoning the Emma Air Park Property for industrial development. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Boland said it is his understanding that a prospective developer is interested in this property which plans a project that would provide a tax base of 10 to 20 million dollars to the City of Asheville and would provide up to 600 high skill jobs.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET FOR 1980-81 - CIVIC CENTER ROOF

The City Manager presented a budget amendment amending the City of Asheville Annual Operating Budget for 1980-81 to budget money in the Revenue Sharing Fund for waterproofing the rear wall of the Civic Center auditorium.

After discussion, Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Boland suggested that the City Manager explore the possibility of setting up a reserve fund to cover the future cost of replacing equipment at the Civic Center.

CLAIMS - NORA DILL - DAVID R. PAGE - HERMAN KESSLER - JOSEPHUS CARTER

The City Manager presented claims received from Nora Dill, David R. Page, Herman Kessler and Josephus Carter.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - AUGUST 14, 1980 - NATIONWIDE PRAYER DAY

Mayor Trantham proclaimed August 14, 1980 as "Nationwide Prayer Day."

PROCLAMATION - 1981 AS INTERNATIONAL YEAR OF DISABLED PERSONS

Mayor Trantham announced a joint proclamation with the County of Buncombe proclaiming 1981 as International Year of Disabled Persons.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY PEDDLERS, COUNCILMEN, SULLIVAN ACT

Ralph Bishop commented relative to some Council members not wanting to listen to citizens. He also commented on lottery sales in the City of Asheville. He said he was opposed to the City spending funds to hire Attorney Harold Bennett to file for a declaratory judgement on the Sullivan Act.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Boland, the meeting adjourned at 5:25 p. m.

Ray M. Trantham
MAYOR

Meriam J. Holcomb
CITY CLERK

- C. Resolution No. 80-148 - Resolution consenting to the assignment of lease-purchase agreement by Friends Enterprises to Allen Center, Inc.

HIGHLIGHTS: Friends Enterprises entered into a lease-purchase agreement with the City of Asheville on February 3, 1977, governing Disposal Parcel 1 in the Civic Redevelopment Area. Friends Enterprises wishes to assign said agreement to Allen Center, Inc. which uses said property for a parking lot. This resolution will consent to the assignment.

Resolution Book No. 12 Page 172

- D. Resolution No. 80-149 - Resolution appointing member to the Planning and Zoning Commission for the City of Asheville.

HIGHLIGHTS: This resolution will appoint Mr. William O. Moore to serve on the Planning and Zoning Commission for a term expiring, August 14, 1981.

Resolution Book No. 12 Page 173

- E. Resolution No. 80-150 - Resolution appointing members to the Asheville Revitalization Commission.

HIGHLIGHTS: This resolution will appoint Nilous M. Avery, Richard D. Frankel, Michael E. Greene, and Maurice H. Winger, Jr. to serve on the Asheville Revitalization Commission for a term of five (5) years.

Resolution Book No. 12 Page 174

- F. Resolution No. 80-151 - Resolution appointing members to the Asheville Tree Commission for the City of Asheville.

HIGHLIGHTS: This resolution will reappoint Mr. Joseph R. Kowal and Mr. Thomas F. Dabney as members of the Asheville Tree Commission. It will also appoint Mr. Del W. Thorsen as a member of the Asheville Tree Commission, all to be appointed for a term of three (3) years.

Resolution Book No. 12 Page 175

- G. Resolution No. 80-152 - Resolution appointing members to the Asheville Area Civic Center Commission.

HIGHLIGHTS: This resolution will appoint Mr. Bruce Barnes as a member of the Asheville Area Civic Center Commission for a term of three (3) years. This resolution also appoints Mr. B. Paul Goodman as an ex-officio member of the Commission.

Resolution Book No. 12 Page 176

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

ORDINANCE NO. 1181 - AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED ADULTS WITHIN THE LIMITS OF THE CITY OF ASHEVILLE

3. Consideration was given to the second reading of Ordinance No. 1181, an ordinance imposing a moratorium on the issuance of building permits for Group Homes for the Developmentally Disabled Adults within the limits of the City of Asheville.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1181 passed on third and final reading.

Complete text of Ordinance No. 1181 will be found in Ordinance Book No. 9 at page 158.

ORDINANCE NO. 1172 - AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 1172, an ordinance establishing flood plain regulations for the City of Asheville.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said a public hearing and first reading of the ordinance was held on July 10, 1980 and on July 17, 1980 the second reading of the ordinance was postponed until August 21, 1980. He said since that time a meeting was held with Ms. Carol Doyle with the Federal Insurance Administration in Atlanta. He said members of Council, members of the County Commissioners, and several property owners in the floodway area attended the meeting. He said as a result of that meeting several amendments are being proposed to the ordinance.

Mr. Emrick offered the following amendments:

Article 8 - Section B, #5

Outside storage of materials or inventories for allowable uses within the Flood Fringe District and not otherwise prohibited by the ordinance shall be allowed.

Article 10 - Section B: Floodproofing Buildings

New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lower floor, including basement, elevated above the level of the base flood elevation, or together with the attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the City as set forth in Article 4, Section C.

Thursday - August 21, 1980

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 14, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the August 14, 1980 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF 135 BROOKLYN ROAD, 22 NORMANDY ROAD, AND 18 WEAVER HILL

ORDINANCE NO. 1183 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 135 BROOKLYN ROAD, 22 NORMANDY ROAD, AND 18 WEAVER HILL

2. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish 135 Brooklyn Road, 22 Normandy Road, and 18 Weaver Hill.

Mayor Trantham opened the public hearing at 4:04 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections Division, said each of the dwelling houses have been found to be unfit for human habitation, unsafe and dangerous to life. He said due process of law has been followed relative to the demolition procedure for the dwellings. He presented photographs of each dwelling in its present condition. He said no work has been done on 135 Brooklyn Road or 18 Weaver Hill, however some plastic has been put over the windows at 22 Normandy Road. He said before the second reading of the ordinance he would make another inspection of the dwellings to determine if any work has begun on the dwellings.

Mayor Trantham closed the public hearing at 4:07 p. m.

The Corporation Counsel read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1183. This motion was seconded by Councilman Wilkes.

On a roll call vote of 7-0, Ordinance No. 1183 passed on first reading.

INUNDATION: A covering of the ground surface with water.

MUDSLIDE: (i.e. mudflow) Describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on or under the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Director only if the mudflow and not the landslide, is the proximate cause of damage that occurs.

After a brief discussion, Vice-Mayor Morris moved to amend Ordinance No. 1172 by including all the amendments offered by the Planning Director. This motion was seconded by Councilwoman Price and carried unanimously.

Mr. Emrick said a meeting is scheduled for Monday, August 25, 1980 in order for the attorneys involved to review the ordinance and suggest any changes they would like to make.

Councilman Boland requested that Mr. Emrick look into ordinances passed by other cities in North Carolina as it relates to expanding buildings in the floodway area as a point of comparison.

Councilman Wilkes suggested that the Council committee appointed to review the floodway ordinance as well as the committee of property owners in the area review the final draft of the floodway ordinance before its final adoption.

Mr. Emrick informed Councilman Wilkes that the committee would review the final ordinance next Tuesday.

Joe Pless, owner of the Dreamland Drive-In Theatres and property owner in the area, said the committee of property owners agreed on the amendments made to the ordinance. He said he did not think Council should push the adoption of the ordinance without first coming up with a reasonable ordinance.

On a roll call vote of 6-1, Ordinance No. 1172 passed on second reading, with Councilman Brownlee voting "no."

Councilman Brownlee stated that he opposed the ordinance because it is too restrictive. He said the owners in the affected area should have time to study the proposed ordinance. He said if the ordinance is adopted in its present form, it will cause problems to the taxpayers in that area.

ANNEXATION - COMMENTS BY MRS. JEAN SALES RELATIVE TO RICEVILLE COMMUNITY

Mrs. Jean Sales said there has been a rumor for sometime in the Riceville community that "Riceville is next on the list for annexation into the City of Asheville." She said a meeting was held on Monday, August 18, 1980, as a result of the rumor. She said Mr. Chuck Tessier of the Buncombe County Planning Department, presented a Community Planning Program to a group of citizens in the Riceville community who are concerned about annexation. She said Mr. Tessier mentioned the City's recent proposal concerning annexation of developments and industry within three (3) miles of the City Limits. She asked Council to comment on any plans for annexation of the Riceville Community, particularly the one mile area adjacent to the Asheville City Limits and to also comment on the proposed annexation of developments within three (3) miles of the City Limits.

Article 11ARTICLE 11NONCONFORMING USES

A structure or the use of a structure or premises which are lawful before the effective date of this ordinance or any amendment thereto, but which is not in conformity with the provisions herein may be continued as a nonconforming use.

Changes in ownership of any property under the jurisdiction of this Ordinance not resulting in a change of use shall not effect the continued operation of the nonconforming use. All nonconforming uses shall be subject to the following conditions:

1. Any substantial improvement of a nonconforming structure shall be made in compliance with the provisions of this ordinance;
2. If the nonconforming use is discontinued for six (6) consecutive months, any future use of the building and/or premises shall conform to this ordinance; however, this section shall not be applicable to seasonable disuse;
3. If any nonconforming use or structure is destroyed by any means, including floods, said use or structure may be replaced provided said structure or use is not expanded beyond the original square footage below the level of the regulatory flood level prior to being destroyed and provided that the other provisions of the ordinance are complied with;
4. Any use which has been permitted as a Conditional Use and is in full compliance with this act and attached conditions shall be considered a conforming use.

Mr. Emrick said a meeting was also held with the Buncombe County Engineer, along with the Corporation Counsel, to compare the city's proposed ordinance and the one proposed by the county. He said efforts were made to make the ordinance similar. As a result of this meeting Mr. Emrick offered an amendment to the definitional section of the ordinance:

"INSERT IN APPROPRIATE ALPHABETICAL ORDER IN ARTICLE #2:

FLOOD, FLOODING: (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation of runoff of surface waters from any source; (3) Mudslides (i.e. mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) (1) of this section.

FLOOD PLAIN: Any normally dry land area that is susceptible to being inundated by flooding.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FISCAL YEAR 1980-81 - ASHEVILLE-BUNCOMBE
COMMUNITY RELATIONS COUNCIL

7. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for fiscal year 1980-81.

The City Manager presented the budget amendment, in the amount of \$9,658, to fund the Asheville-Buncombe Community Relations Council at the level it requested for 1980-81, \$43,515. The current budget is \$33,857.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FISCAL YEAR 1980-81 - QUALITY FORWARD

8. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for fiscal year 1980-81.

The City Manager presented the budget amendment, in the amount of \$4,000 to provide money for Quality Forward's educational program for the public schools (the Katy Clean-Up program).

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 80-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SALES
CONTRACT FOR PURCHASE OF PROPERTY AT CORNER OF EAGLE AND SPRUCE STREET

9. Consideration was given to a resolution authorizing the City Manager to execute sales contract for purchase of property at corner of Eagle and Spruce Street.

The City Manager read the resolution explaining that the City of Asheville has developed plans for a combined motor pool and parking facility, to be located in the area of Eagle Street and Spruce Street and a part of the needed land has been appraised at \$4,050 and is available to the City at this price. This resolution will authorize the City Manager to execute a sales contract for the purchase of the property described as Ward 1, Sheet 1, Lot 261, owned by M. E. McKissick.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 80-153 was unanimously adopted.

Complete text of Resolution No. 80-153 will be found in Resolution Book No. 12 at page 177.

RESOLUTION NO. 80-154 - RESOLUTION AUTHORIZING A PERMANENT, NON-METERED ON-STREET
PARKING PROGRAM AND STUDY OF A DOWNTOWN PARKING DISTRICT

10. Consideration was given to a resolution authorizing a permanent, non-metered on-street parking program and study of a downtown parking district.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 80-154 was unanimously adopted.

Complete text of Resolution No. 80-154 will be found in Resolution Book No. 12 at page 178.

Vice-Mayor Morris told Mrs. Sales that the Riceville community has never been considered for annexation into the City of Asheville. He said he did not think the Riceville area would meet the population density requirements for annexation. He said annexation of the Riceville area has never been discussed.

Vice-Mayor Morris also told Mrs. Sales that the proposal for annexation of developments within the three (3) miles of the City Limits has been tabled indefinitely.

Mr. Emrick, Planning Director, said in May or June Council identified 13 areas to be studied for annexation. He said the study did not include anything northeast of the Blue Ridge Parkway. He said in his opinion there would be severe problems in annexing the Riceville area due to the requirements of furnishing water and sewer to the area.

At the request of Mayor Trantham, Mr. Emrick said the purpose of the one-mile zoning jurisdiction is to have orderly growth on the edge of the corporate limits of the City of Asheville and to control incompatible uses. He said the one-mile area was originally intended to be a stepping stone to annexation.

Councilman Boland said in his opinion Council has always considered that anything urban should be municipal when they were considering annexation.

Mayor Trantham said he resented the County Commissioners sending a member of their staff into the community spreading false rumors. He also commented on the news media being one-sided in presenting editorials relative to the City and County negotiations. He said it would be difficult for the City and County to work together with the news media continuing to present one-sided editorials. He said the news media should leave the City and County alone and let them work together on all the problems.

BUDGET AMENDMENT - ASHEVILLE REVITALIZATION FUND BUDGET FOR FISCAL YEAR 1980-81

5. Consideration was given to a budget amendment amending the Annual Operating Budget and the Asheville Revitalization Fund Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment stating that these budget amendments, in the amount of \$10,382 and \$1,380 respectively are to budget for revenues received to date for Bele Chere and to budget for anticipated expenditures. All Bele Chere revenues and expenditures for Fiscal Year 80-81 will appear in the General Fund rather than the Asheville Revitalization Fund.

Vice-Mayor Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET 1980-81 - COOL GREEN ASHEVILLE PROMOTION

6. Consideration was given to a budget amendment amending the Annual Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment, in the amount of \$5,000, which will budget funds for the City's contribution for the 1980 Cool Green Asheville promotion.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

- D. Resolution No. 80-157 - Resolution of intent to change the name of a portion of Mayflower Road and Blue Briar Road and scheduling a public hearing for September 11, 1980.

HIGHLIGHTS: Citizens of Blue Briar Road have requested that approximately 100 feet of Mayflower Road, between Blue Briar Road and Town Mountain Road, be changed from Mayflower Road to Blue Briar Road. In order to officially change the name of this portion of Mayflower Road to Blue Briar Road, it is necessary to schedule a public hearing on the matter. The public hearing will be scheduled for September 11, 1980.

Resolution Book No. 12 Page 181.

- E. Resolution No. 80-158 - Resolution establishing rules and procedures for the Asheville City Council.

HIGHLIGHTS: Since Council took office in December 1979 they have been reviewing and establishing rules and procedures for conducting business of the City Council. These rules and procedures have been reviewed and studied by members of Council on several occasions. The rules and procedures are now in final form and Council wishes to officially establish the rules and procedures.

Resolution Book No. 12 Page 183.

- F. Approval of bids received August 11, 1980 for one Greensmower for the Municipal Golf Course.

HIGHLIGHTS: Two bids were received. Recommendation of acceptance of low bid submitted by E. J. Smith & Sons of Charlotte, N. C. in the amount of \$6,924.95. Funding: Revenue Sharing Account Code 50-45-504.0074 - Sufficient funds are available for expenditure.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

ANNOUNCEMENT OF COMMUNITY DEVELOPMENT PUBLIC HEARINGS

The City Manager said the following Community Development public hearings have been set:

<u>DATE/TIME</u>	<u>LOCATION</u>
Tuesday, August 26, 1980 - 7:30 P.M.	Kenilworth Presbyterian Church
Tuesday, Sept. 2, 1980 - 7:30 P. M.	Shiloh Community Center
Tuesday, Sept. 9, 1980 - 7:30 P. M.	Burton Street Community Center
Tuesday, Sept. 16, 1980 - 7:30 P. M.	Montford Community Center
Tuesday, Sept. 23, 1980 - 7:30 P. M.	Stephen's Lee Community Center

APPROVAL OF CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to the adoption of an ordinance extending a moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area for September 11, 1980.

HIGHLIGHTS: On January 31, 1980 an ordinance was adopted imposing a limited moratorium on development in the Beaverdam Valley area as an alternative to a request of the Beaverdam Planning Council to rezone their property to R-1 Single Family Residential District until the Planning Council has an opportunity to come up with their own Land Use Plan. The moratorium was to be effective for 120 days. On June 26, 1980 Council adopted an ordinance extending the moratorium for 60 days. Council will now consider extending the moratorium a second time.

- B. Resolution No. 80-155 - Resolution authorizing the execution of a contract with Carolina Power and Light Company for lighting within the Akzona Project Area.

HIGHLIGHTS: The Council by Resolution No. 77-155 authorized certain improvements relative to the Pack Square Rehabilitation Project and the Carolina Power and Light Company has requested that the lighting contract for the Akzona Complex be executed.

Resolution Book No. 12 Page 179.

- C. Resolution NO. 80-156 - Resolution authorizing the filing of an application with the Department of Transportation, United States of America for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: On July 31, 1980 Council adopted Resolution No. 80-141 authorizing the filing of an application with the Department of Transportation for a technical study grant for 1980-81 under the Urban Mass Transportation Act of 1964. The federal government is now requiring that all grant applications specify that the City will set forth and execute affirmative minority business policies in connection with the projects procurement needs. This resolution will specify the requirement of the federal government.

Resolution Book No. 12 Page 180.

MS. AUSTIN - SAVE DOWNTOWN ASHEVILLE - DOWNTOWN MALL PROPOSAL

Ms. Austin said in working the the Bele Chere Festival she talked to many people relative to the proposed downtown mall. She said 90% of the people were against a downtown mall. She also thanked those individuals for making the Bele Chere Festival a reality.

REPAIRS - HAZEL MILL BRIDGE

The City Manager announced that he has authorized the repairs to Hazel Mill Bridge in the amount of \$15,000. He said if further repairs are needed he would suggest closing the bridge until arrangements could be made for repairs or replacement.

WAYNE CALDWELL - SAVE DOWNTOWN ASHEVILLE - COMMENTS RE: INSPECTION OF BUILDINGS DOWNTOWN

Wayne Caldwell, of Save Downtown Asheville, questioned why Butler Associates Engineers was hired to assist in the inspection of downtown buildings in the downtown mall study process. He particularly questioned the hiring of Butler Associates outside a public meeting.

The City Manager explained that the hiring of Butler Engineers would speed up the process of the inspections downtown as well as providing for accurate inspections.

RALPH BISHOP - LOTTERY SALES - OBTAINING CITY RECORDS

Mr. Ralph Bishop again spoke to Council about the lottery sales in Asheville and his problems in obtaining city records.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, the meeting adjourned at 5:45 p. m.

Raymond Morris
MAYOR

William J. Price
CITY CLERK

RESOLUTION NO. 80-159 - RESOLUTION OF APPRECIATION TO THE PROMOTERS AND PARTICIPANTS IN BELE CHERE 1980

Consideration was given to a resolution of appreciation to the promoters and participants in Bele Chere 1980.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-159 was unanimously adopted.

Complete text of Resolution No. 80-159 will be found in Resolution Book No. 12 at page 184.

CLAIMS - JACK PRUITT - WM. P. TREUSCH - SOUTHERN BELL - WHITNEY SMITH - MICHAEL BARRETT

The City Manager presented claims received from Jack Pruitt, Wm. P. Treusch, Southern Bell, Whitney Smith, and Michael Barrett.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - AUGUST 26, 1980 - WOMEN'S EQUALITY DAY

Mayor Trantham proclaimed August 26, 1980 as Women's Equality Day.

PRESENTATION BY JOHN JEROSE, THOMS CABLEVISION

Mr. John Jerose, General Manager of Thoms Cablevision, Inc., said due to the recent publicity relative to the grounding of cablevision lines, he felt it was necessary to tell members of Council about the situation since he felt the incident was blown out of proportion by the news media. He said a defective ground was found at Crowfields which was repaired. He said the defective ground prompted many to call his office for inspection of their lines to determine if they were grounded. He said his company must abide by the National Safety Requirements which requires grounding. He said as a result of the inquiries his company will inspect every installation in the City and the County and leave a copy of the inspection with the subscriber stating that the service is properly grounded. He said new subscribers will also receive a copy of an inspection report.

Mr. Jerose said he had received complaints relative to service outages and people saying that his company does not answer the telephone. He said unfortunately there will be service outages for various reasons and when this happens everyone seems to call the cablevision office. He said it is impossible to answer all the calls and explain the problems. He said they plan an educational program for cable subscribers in an attempt to make them understand more about the technological aspects of cable television and the reasons why cable service can be interrupted. He said this would be done by informational mailers to be sent out with the bills.

Mr. Jerose also presented Council members with a construction progress report explaining the proposed plans for expanding the service. He told Council what new channels they anticipate carrying as well as those they will discontinue.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET

4. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The Assistant City Manager presented the budget amendment stating that the budget amendment in the amount of \$14,969 is to reprogram Community Development income from rents, concessions, sale of fixed assets, reports and Grant Program income into the East End/Valley Street Project.

Councilman Wilkes moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

5. Consideration was given to a motion relative to the sale of disposal parcels in the East Riverside Renewal Project.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
38	Residential	2,200	2,351	W. D. Metcalf Building Co.
46	Residential	2,500	3,300	Mr. & Mrs. William Carson
135	Residential	1,500	1,751	W. D. Metcalf Building Co.
139	Residential	1,900	2,251	W. D. Metcalf Building Co.
140	Residential	1,900	2,251	W. D. Metcalf Building Co.
141	Residential	1,600	1,651	W. D. Metcalf Building Co.

Mr. Holt said the developers would build six (6) single family dwellings on the lots within a price range of \$38,000 to \$40,000.

Vice-Mayor Morris moved to approve the sale of the disposal parcels as presented by Mr. Holt. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FOR FISCAL YEAR 1980-81 - DOWNTOWN MALL STUDY

6. Consideration was given to a budget amendment amending the Annual Operating Budget for Fiscal Year 1980-81.

The Assistant City Manager presented the budget amendment stating that this budget amendment in the amount of \$13,071, is to budget in Fiscal Year 1980-81 Downtown Mall Study funds in the amount of \$11,321 which were left over from fiscal year 1979-80, and to budget for an additional contribution of \$1,750 received this fiscal year. A total of \$13,100 has been contributed to date. Only \$29 was spent in the last fiscal year.

Vice-Mayor Morris moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Boland and carried unanimously.

Regular Meeting - August 28, 1980-4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 21, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the August 21, 1980 meeting were approved as submitted.

ORDINANCE NO. 1183 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 135 BROOKLYN ROAD, 22 NORMANDY ROAD, AND 18 WEAVER HILL

2. Consideration was given to the second reading of Ordinance No. 1183, an ordinance directing the Housing Officer to demolish those dwelling houses known as 135 Brooklyn Road, 22 Normandy Road, and 18 Weaver Hill.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

J. E. Johnson, Director of Inspections, reported that he inspected the referred to dwellings on August 28, 1980 and no work has been done on the dwellings to bring them up to housing code standards.

On a roll call vote of 7-0, Ordinance No. 1183 passed on second reading.

ORDINANCE NO. 1172 - AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE

3. Mayor Trantham announced that as agreed by Council on August 21, 1980, the third reading of the proposed flood plain ordinance will not be considered at this meeting. He said additional information is needed before Council will consider the third reading.

Councilman Wilkes commented that the ordinance proposed by the City of Asheville is less stringent than the ordinance proposed for adoption by the County of Buncombe.

Vice-Mayor Morris moved to table the third reading of Ordinance No. 1172 until September 4, 1980. This motion was seconded by Councilman Wilkes and carried unanimously.

- B. Resolution No. 80-161 - Resolution authorizing the Mayor to sign contracts with Computer System Services, Inc.

HIGHLIGHTS: This contract will provide for long term arrangements for preventive and actual repair of various electronic data processing equipment owned by the City of Asheville.

Resolution Book No. 12 Page 187

- C. Resolution No. 80-162 - Resolution appointing members to the Zoning Board of Adjustments.

HIGHLIGHTS: Mr. John Acee, Mr. William T. Duckworth, Mr. Harold Talbert, and Mr. Tom McCurry will be reappointed members of the Zoning Board of Adjustments. Dr. Nathaniel Felder will also be appointed a member of the Board.

Resolution Book No. 12 Page 188

- D. Resolution No. 80-163 - Resolution appointing members to the Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: Verne Rhoades, Miegan S. Gordon, and Wayne Caldwell will be appointed members of the Asheville-Buncombe Historic Resources Commission.

Resolution Book No. 12 Page 189

- E. Resolution No. 80-164 - Resolution appointing members to the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: Mrs. Jan Orr will be reappointed a member of the Council. Mr. Richard Fain and Dr. Eric Iovacchini will be appointed members of the Council. Ms. Helen Parks will also be appointed a member of the Council.

Resolution Book No. 12 Page 190

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

CLAIMS - ARBA MAE PLEMMONS

The Assistant City Manager presented a claim received from Arba Mae Plemmons.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FOR FISCAL YEAR 1980-81 -SALARY AND WAGES

7. Consideration was given to a budget amendment amending the Annual Operating Budget for Fiscal Year 1980-81.

The Assistant City Manager presented the budget amendment stating that this budget amendment is to allocate money to individual divisions for the 8% salary and wage schedule adjustment approved by City Council. A total of \$904,556 is being allocated to cover salary and wage increases as well as the increase in FICA tax.

Councilwoman Price moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1184 - AN ORDINANCE AMENDING SECTION 28-82.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration was given to an ordinance amending Section 28-82.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

The Assistant City Manager read the ordinance explaining that this amendment will eliminate that portion of Section 28-82.2 relative to the speed regulations at Biltmore Elementary School due to the fact that Biltmore Elementary School will no longer be used as a school facility.

Vice-Mayor Morris asked the Assistant City Manager to check into the possibility of deleting the speed regulations at Haw Creek Elementary School since that school is no longer being used as a school facility at the U. S. 70 location.

Councilman Boland moved for the adoption of Ordinance No. 1184. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1184 passed on first reading.

APPROVAL OF CONSENT AGENDA

9. The Assistant City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No.80-160 - Resolution fixing date of public hearing on question of annexation pursuant to G. S. 160A-31, as amended, for September 18, 1980.

HIGHLIGHTS: A petition has been received requesting annexation of an area in the Regent Park area off Patton Avenue. The City Clerk has investigated said petition and certified its sufficiency. G. S. 160A-31 provides for a public hearing on the annexation.

Resolution Book No. 12 page 185

Thursday - September 4, 1980 - 4:00 P. M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 28, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 28, 1980 meeting were approved as submitted.

ORDINANCE NO. 1183 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 135 BROOKLYN ROAD, 22 NORMANDY ROAD AND 18 WEAVER HILL

2. Consideration was given to the third reading of Ordinance No. 1183, an ordinance directing the Housing Officer to demolish 135 Brooklyn Road, 22 Normandy Road, and 18 Weaver Hill.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there was a specific request to do so.

The City Manager advised that he had received a request from Wesley Talman, attorney for the property owner of 22 Normandy Road, that the third reading of this ordinance be postponed for one week. He said Mr. Talman was in court and could not attend the meeting today.

After discussion relative to the request, Vice-Mayor Morris moved to postpone the third reading of Ordinance No. 1183 until September 11, 1980. This motion was seconded by Councilman Boland, which motion carried on a voice vote of 6-1 with Councilwoman Price voting "no."

ORDINANCE NO. 1184 - AN ORDINANCE AMENDING SECTION 28-82.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to the second reading of Ordinance No. 1184, an ordinance amending Section 28-82.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

JACK WOODY - 105 STARNES COVE ROAD - COMMENTS RELATIVE TO HIS WATER BILL

Mr. Jack Woody of 105 Starnes Cove Road complained to Council relative to his high water bill which he said the Water Department will not make an adjustment.

Mayor Trantham informed Mr. Woody that the Assistant City Manager would check into his complaint.

ANNOUNCEMENT OF COMPLETION OF 8,000' RUNWAY EXTENSION AT ASHEVILLE REGIONAL AIRPORT

The Assistant City Manager announced that the Asheville Regional Airport now has a new 8,000' runway which is completely paid for.

Councilman Cole commented that he was glad that Council had taken the initiative to go ahead with the new runway.

RALPH BISHOP - LOTTERY SALES - OBTAINING CITY RECORDS

Ralph Bishop again spoke to Council relative to the lottery sales in Asheville and his problems in obtaining city records.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 4:40 p. m.

Ray M. Trantham Frederic Z. Holcomb
MAYOR CITY CLERK

Article 10 - Section B-Floodproofing Buildings (Add the following)

"New construction or substantial improvements of any commercial, industrial, or other nonresidential structures, together with the attendant utilities, shall be floodproofed in one of the following ways:

- (a) Elevation of the lower floor, including basement above the level of the base or regulatory flood elevation at the specific site;
- (b) Be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;
- (c) An alternative method of floodproofing structures shall be to construct nonresidential buildings in such a manner that water shall be allowed to pass into or through the structure with no substantial risk that the building will thereby be endangered or be susceptible to collapse or substantial damage. (The owners of such structure shall be advised that improvements made under this provision shall receive a specified rating for insurance purposes and that no subsidized insurance will be available for goods, inventories, materials or equipment contained in the building below the base flood elevation.) However, before this method of floodproofing is utilized the proposed use or construction shall be approved by the Board of Adjustment as set forth in Article 4 of this Ordinance.
- (d) An acceptable combination of methods (a) - (c).

In all instances, however, a registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the City as set forth in Article 4. Section C., as contained herein."

Article 11 - Nonconforming Uses (Add the following)

"A structure(s) or the use(s) of a structure or premises which are lawful before the effective date of this Ordinance or any amendment thereto, but which is not in conformity with the provisions herein may be continued as a nonconforming use, or for the purposes of this Ordinance may be changed to another nonconforming use (changes in use shall be made in conformance with Subsection 5 of this Article.

Changes in ownership of any property under the jurisdiction of this Ordinance shall not effect the continued operation of the nonconforming use. All nonconforming uses shall be subject to the following conditions:

- 1. Any substantial improvement of a nonconforming structure shall be made in compliance with the provisions of this Ordinance.
- 2. If the nonconforming use is discontinued for six (6) consecutive months, any future use of the building and/or premises shall conform to this Ordinance; however, this section shall not be applicable to reasonable disuse;

Vice-Mayor Morris moved to amend Ordinance No. 1184 by deleting the portion of Section 1 which reads "Haw Creek Elementary School. U. S. 70 between White Pine Drive and a point 300 feet east of Old Haw Creek Road; and U. S. 74 between White Pine Drive and a point 300 feet southeast of Haw Creek Lane." This motion was seconded by Councilwoman Price and carried unanimously.

Vice-Mayor Morris said the Haw Creek Elementary School was no longer operating at U. S. 70 and therefore the speed regulations in that area was not needed.

On a roll call vote of 7-0, Ordinance No. 1184, as amended passed on second reading.

ORDINANCE NO. 1172 - AN ORDINANCE ESTABLISHING FLOOD PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE

4. Consideration was given to the third reading of Ordinance No. 1172, an ordinance establishing flood plain regulations for the City of Asheville.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said amendments were made to the ordinance at the second reading, however, since that time meetings were held with the property owners in the flood area along with their attorneys at which time additional amendments were suggested.

Mr. Emrick reviewed the following suggested amendments:

Article 4- Section G- Variances (add the following)

"This Ordinance is intended to provide for variances to be issued to owners of property in the Flood Hazard Area when an exceptional hardship could exist when a strict interpretation of the provisions of this Ordinance are applied. However, if it is determined that a variance is justified, then the variance allowed should be the minimum deviation to relieve the hardship. The conditions which are to be considered as criteria for the variance are otherwise described in the following provisions of this section."

Article 4 - Section J - Exemptions (add the following)

"Reconstruction or remodeling of interior portions of existing buildings which will have no effect on the level of the regulatory flood shall be exempt from the provisions of this Ordinance."

Article 7 - Section D - New Construction (add the following)

"New construction or substantial improvements allowed by Ordinance No. 322 of the City of Asheville may be permitted provided that approval of said use or construction is approved by the Board of Adjustment as set forth in Article 4 contained herein and provided an acceptable certification by a registered professional engineer is provided proving that the anticipated encroachment(s) shall not result in any increase of the regulatory flood during occurrence of the base flood discharge.

"However, uses proposed shall be classified as a NONCONFORMING USE under this Ordinance and subject to the provisions of Article 11 as specified herein."

Upon inquiry of Douglas Hensley of the D. O. Creasman Company, Mr. Johnson of the Inspections Division said no new employees would be needed to enforce the ordinance at the present time.

Hollis Sprinkle of Three Mountaineers Company said Council should investigate the possibility of correcting the culverts and bridges in the area which causes part of the flood problems.

Councilman Boland said a letter has been composed to James Point with the Tennessee Valley Authority relative to solving some of the problems with the bridges and culverts in the floodway area.

On a roll call vote of 6-1, Ordinance No. 1172 as amended passed on third and final reading.

Complete text of Ordinance No. 1172 will be found in Ordinance Book No. 9 at page 126.

ORDINANCE NO. 1185 - AN ORDINANCE AMENDING SECTION 15 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE DELETING A PORTION OF THE CLASSIFICATION FOR JUNK DEALERS

5. Consideration was given to an ordinance amending Section 15 of the Revenue Ordinance (Ordinance No. 1027) of the City of Asheville deleting a portion of the classification for junk dealers.

The City Manager read the ordinance explaining that the present revenue ordinance requires that junk dealers furnish justified bond in the amount of \$1,000. He said such bond requirement in current economic circumstances has little enforcement impact and in the opinion of City Council this requirement is unnecessarily burdensome on local business citizens. This ordinance will delete the requirement of the bond by junk dealers.

Councilwoman Price moved for the adoption of Ordinance No. 1185. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1185 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1185. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1185 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1185. This motion was seconded by Councilman Boland and carried unanimously.

Complete text of Ordinance No. 1185 will be found in Ordinance Book No. 9 at page 164.

3. If any nonconforming use or structure or substantial improvement is destroyed by any means, including floods, said use or structure may be replaced provided the replacement of said structure and/or substantial improvements thereto will not result in an increase in the level of the original regulatory flood level. In all instances, a registered professional engineer or architect shall provide the Director with an acceptable certification demonstrating that said replacement would not result in an increase in the original regulatory flood levels.
4. Any use which has been permitted as a Conditional Use and is in full compliance with this act and attached conditions shall be considered a conforming use.
5. Any change of a nonconforming use as specified herein shall be approved by the Board of Adjustments under the provisions of Article 4 of this Ordinance. PROPOSED CHANGES IN A NONCONFORMING USE TO A RESIDENTIAL USE SHALL BE EXPRESSLY PROHIBITED."

After discussion of the proposed amendments, Vice-Mayor Morris moved to amend Ordinance No. 1172 by including the amendments reviewed by Mr. Emrick. This motion was seconded by Councilman Wilkes and carried unanimously.

Mrs. Tom Butler requested that Council delay action on the ordinance for thirty (30) days in order that the ordinance can be studied further.

Jack Westall, attorney for a number of property owners in the area, expressed appreciation to the members of Council and the City staff for their cooperation in meeting with the property owners in the floodway area to discuss the proposed ordinance. He said his clients still oppose the ordinance but the amendments made to the ordinance would decrease the restrictions on the property owners. He said they would continue to study the ordinance and would propose additional amendments at a later date in order to minimize the restrictions.

Mr. Chan Warner of the WNC Pallet Company in Candler, N. C. spoke in opposition to the ordinance.

Ralph Bishop also spoke in opposition to the ordinance stating that it placed too many restrictions on the property owners in the floodway area.

Jerry Sternberg, property owner in the area, also expressed appreciation for the cooperation of Council and the city staff in meeting with the property owners. He said he still opposed the ordinance which will restrict the use of the property in the area as well as decreasing property values.

John Chiles, Manager of Hajoca Company, said the ordinance will decrease his property value because he will be unable to use at least one acre of their land that is presently being used for storage and they will be unable to build on that land.

Joe Pless, owner of the Dreamland Drive-In said the ordinance will decrease his property value tremendously because he can not build anything else on his property and those interested in purchasing his property will not do so because they could not build on the property. He said he still opposed the adoption of the ordinance.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received August 27, 1980 for tennis court fencing and ballfield fencing at Montford Recreation Complex and West Asheville Park.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of the fully responsive lowest bid submitted by Asheville Fence Company in the amount of \$17,523.00. Funding: Sufficient funds are available for expenditure. Montford Recreation Complex, Code 16-526.0073; West Asheville Park, Code 65-45-664-3-820.0073.

- B. Approval of bids received August 27, 1980 to construct asphalt tennis courts at Montford Recreation Complex, West Asheville Park Deaverview Park.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of lowest bid, submitted by WNC Paving Company, Waynesville, N. C. in the amount of \$44,994.00. Funding: Sufficient funds are available for expenditures. Montford Recreation Complex - 16-526.0073 West Asheville Park - 65-45-664-3-829.0073 Deaverview Park - 65-45-690-3.0073

- C. Resolution No. 80-167 - Resolution authorizing the Mayor to execute an agreement with Bill Ashe- Mike Cox, AIA for architectural services for rehabilitation of Young Men's Institute Building.

HIGHLIGHTS: Resolution No. 80-134 authorized the solicitation for architectural services for rehabilitation of this historic property. This resolution will authorize Bill Ashe- Mike Cox, AIA to perform the services.

Resolution Book No. 12 Page 191

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the consent agenda was unanimously approved.

COUNCILMAN BROWNLEE - DEAVERVIEW BALLFIELDS

Councilman Brownlee noted that the ballfields at Deaverview need repairs.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL CAPITAL PROJECTS BUDGET - SAFETY TO LIFE

6. Consideration was given to a budget amendment amending the City of Asheville General Capital Projects budget.

The City Manager presented the budget amendment in the amount of \$9,700 to provide funds for work done by architect John Cort under a contract to recommend minimum requirements for the Safety to Life Project. He said funding will come from the city's sinking fund "windfall."

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 80-165 - RESOLUTION ESTABLISHING A RE-READ FEE IN THE WATER AND SEWER SERVICES DEPARTMENT OF THE CITY OF ASHEVILLE

7. Consideration was given to a resolution establishing a re-read fee in the Water and Sewer Services Department of the City of Asheville.

The City Manager read the resolution explaining that the re-reading of water meters for customers of the City's water system has been provided as a courtesy to the customers of the system. Many such re-reads have proven to be costly, time-consuming and unnecessary. This resolution will allow one free re-read annually. Customers requesting additional re-reads will be charged a fee of \$5.00. If the re-read reveals that the original reading was in error or that the meter is not recording the flow accurately the fee will be waived.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-165 was unanimously adopted.

Complete text of Resolution No. 80-165 will be found in Resolution Book No. 12 at page 189.

RESOLUTION NO. 80-166 - RESOLUTION REVISING WATER CONNECTION SERVICE CHARGES

8. Consideration was given to a resolution revising water connection service charges.

The City Manager read the resolution explaining that an increase in this service is necessary to adequately cover the expenses of initiating, changing and re-establishing services requested by ~~customers~~. The increased service charge is included in the fiscal 1980-81 budget.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-166 was unanimously adopted.

Complete text of Resolution No. 80-166 will be found in Resolution Book No. 12 at page 190.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 6:00 p. m.

Raymond L. Hansen
MAYOR

Kenneth F. Holsinger
CITY CLERK

CLAIMS - HELEN B. AVERETT - JENNIFER D. SELF

The City Manager presented claims received from Helen B. Averett and Jennifer D. Self.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

LEGAL ASSISTANCE PROVIDED TO CITY EMPLOYEE RE: CURTIS R. BLACKWELL VS. CITY OF ASHEVILLE

The City Manager told members of Council that an employee of the Parks and Recreation Department is being sued by the parents of Christopher N. Blackwell. He said Robert Alexander spanked/patted the child at one of the recreational parks. He recommended that the City of Asheville defend the city employee pursuant to Resolution No. 79-253, adopted November 29, 1979.

RESOLUTION NO. 80-168 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH DANIEL CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS PACK SQUARE RENOVATION

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Daniel Construction Company for the project known as Pack Square Renovation.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-168 was unanimously adopted.

Complete text of Resolution No. 80-168 will be found in Resolution Book No. 12 at page 192.

ANNOUNCEMENT RELATIVE TO N. C. LEAGUE OF MUNICIPALITIES CONVENTION IN RALEIGH, N. C. OCTOBER 19-21, 1980

William F. Wolcott, Jr., Associate City Manager, informed Council members that housing reservations as well as advance registration for each of the Council members were made to the League of Municipalities. He asked that if they determined they could not attend the convention, cancellations must be made before October 9, 1980.

COUNCILMAN BROWNLEE - MRS. E. C. MESSER - RE: PENSION PAYMENT

Councilman Brownlee said it had been reported to him that Mrs. E. C. Messer, a retired policeman's widow died on August 17, 1980. He said the estate received a check the first of August and they returned the check to the City of Asheville. He requested that the City Manager investigate this to see if the estate was entitled to the check or at least a portion of the check.

RALPH BISHOP - COMMENTS RELATIVE TO BLUE RIDGE MENTAL HEALTH AGREEMENT - LOTTERY SALES

Ralph Bishop commented to Council opposing the agreement with the City of Asheville and the Blue Ridge Mental Health. He also commented on the lottery sales in Asheville.

PUBLIC HEARING - CHANGING THE NAME OF A PORTION OF MAYFLOWER ROAD TO BLUE BRIAR ROAD

RESOLUTION NO. 80-169 - RESOLUTION CHANGING THE NAME OF A PORTION OF MAYFLOWER ROAD TO BLUE BRIAR ROAD

3. A public hearing was held relative to changing the name of a portion of Mayflower Road to Blue Briar Road.

Mayor Trantham opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager read a letter from Mr. C. Foster Aldridge requesting that a portion of Mayflower Road be changed to Blue Briar Road. He said the residents on Blue Briar Road have had difficulty in informing ambulances, police department and fire department as to the location of their residences.

There being no objections, Mayor Trantham closed the public hearing at 4:18 p. m.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 80-169 was unanimously adopted.

Complete text of Resolution No. 80-169 will be found in Resolution Book No. 12 at page 193.

ORDINANCE NO. 1183 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 135 BROOKLYN ROAD, 22 NORMANDY ROAD AND 18 WEAVER HILL

4. Consideration was given to the third reading of Ordinance No. 1183, an ordinance directing the Housing Officer to demolish 135 Brooklyn Road, 22 Normandy Road and 18 Weaver Hill.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there was a specific request to do so.

Wesley Talman, attorney for the property owner of 22 Normandy Road presented a letter from Mr. Richard P. Fleming, Civil Engineer, relative to the feasibility of restoring 22 Normandy Road opposed to the complete demolition. The letter indicated that the house could be restored to its formal state with proper planning and careful selection of a contractor.

Mr. Talman requested that Council allow his client sixty (60) days to begin the process of restoring the house.

Upon inquiry of Councilman Cole, Mr. Talman said the owners have sufficient money to restore the house but the question, at the present, is whether it is feasible to restore the house.

Thursday - September 11, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Rev. Ricky Spain.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 4, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the September 4, 1980 meeting were approved as submitted.

PUBLIC HEARING - EXTENDING MORATORIUM ON ZONING PERMITS FOR MULTI-FAMILY FACILITIES IN THE BEAVERDAM VALLEY AREA

2. A public hearing was held relative to the adoption of an ordinance extending a moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area.

Mayor Trantham opened the public hearing at 4:13 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said on January 31, 1980 an ordinance was adopted imposing a limited moratorium on development in the Beaverdam Valley area as an alternative to a request of the Beaverdam Planning Council to rezone their property to R-1 Single Family Residential District until the Planning Council has an opportunity to come up with their own Land Use Plan. The moratorium was to be effective for 120 days. On June 26, 1980 Council adopted an ordinance extending the moratorium for 60 days. He said in essence a moratorium exists without an ordinance due to the lack of availability of water for multi-family facilities. He asked that Council table the ordinance indefinitely. In addition, he suggested that a subcommittee of Council members meet with the Beaverdam Planning Council to formulate their efforts of presenting their own Land Use Plan. He said the Planning Council would like to determine if Council will maintain their one-mile extra territorial zoning jurisdiction in the area after their plan is approved by the proper authorities.

There being no further discussion, Mayor Trantham closed the public hearing at 4:15 p. m.

Councilwoman Price moved to table consideration of an ordinance extending a moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area indefinitely. This motion was seconded by Councilman Wilkes and carried unanimously.

The City Manager read the resolution explaining that this resolution will provide for formal action on a project which is essentially completed, which was approved by the members of Council and entered into on August 20, 1980. He described the contents of the agreement in detail.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 80-171 was unanimously adopted.

Complete text of Resolution No. 80-171 will be found in Resolution Book No. 12 at page 196.

Ralph Bishop opposed the adoption of Resolution No. 80-171.

RESOLUTION NO. 80-172 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-06 BETWEEN THE UNITED STATES OF AMERICA ACTION THROUGH THE FAA AND THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE

8. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of a grant agreement for Project No. 6-37-0005-06 between the United States of America acting through the FAA and the City of Asheville and the County of Buncombe.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-172 was unanimously adopted.

Complete text of Resolution No. 80-172 will be found in Resolution Book No. 12 at page 197.

COUNCILMAN BOLAND - COMMENTS RELATIVE TO GARBAGE COLLECTION

Upon inquiry of Councilman Boland, the City Manager said he had not received responses from other cities relative to their garbage collection systems. He said he would follow up on this project.

COUNCILMAN COLE - COMMENTS RELATIVE TO "TOWN MEETING" HELD ON SEPTEMBER 9, 1980

Councilman Cole commended Mr. John Butte as commentator for the Town Meeting held on September 9, 1980.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23, 1980

Mayor Trantham proclaimed the week of September 17-23, 1980 as Constitution Week.

CLAIMS - LEONARD E. HARE - LARRY B. DeWEESE - ROBERT HICKERSON

The City Manager presented claims received from Leonard E. Hare, Larry B. DeWeese, and Robert Hickerson.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

On a roll call vote of 6-0, Ordinance No. 1183 passed on third and final reading.

Complete text of Ordinance No. 1183 will be found in Ordinance Book No. 9 at page 160.

Councilwoman Price moved that the Director of Inspections take no action relative to the demolition of 22 Normandy Road, until after November 25, 1980, at which time the Director of Inspections will report to Council any improvements made toward the restoration of 22 Normandy Road before taking any action pursuant to Ordinance No. 1183. This motion was seconded by Councilman Cole and carried unanimously.

Councilwoman Price instructed that Mr. Talman be notified before the matter is brought back to Council.

ORDINANCE NO. 1184 - AN ORDINANCE AMENDING SECTION 28-82.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

5. Consideration was given to the third and final reading of Ordinance No. 1184, an ordinance amending Section 28-82.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1184 passed on third and final reading.

Complete text of Ordinance No. 1184 will be found in Ordinance Book No. 9 at page 163.

RESOLUTION NO. 80-170 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH RODNEY LAWLER, OWNER OF ASHEVILLE TERRACE, CONCERNING AN EASEMENT FOR THE MAINTENANCE AND REPAIR OF A WATER LINE

6. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with Rodney Lawler, owner of Asheville Terrace, concerning an easement for the maintenance and repair of a water line.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 80-170 was unanimously adopted.

Complete text of Resolution No. 80-170 will be found in Resolution Book No. 12 at page 195.

RESOLUTION NO. 80-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUTLER ASSOCIATES, P. A.

7. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Butler Associates, P. A.

Thursday - September 18, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilman Brownlee introduced Rev. William H. Pheagin, Jr., Pastor of Trinity United Methodist Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 11, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the September 11, 1980 meeting were approved as submitted.

PUBLIC HEARING - ANNEXATION OF AREA IN THE REGENT PARK

ORDINANCE NO. 1186 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

2. A public hearing was held relative to annexing an area in the Regent Park area off Patton Avenue.

Mayor Trantham opened the public hearing at 4:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said a petition has been received requesting annexation of an area in the Regent Park area off Patton Avenue which was not previously annexed. He said the City Clerk has investigated the petition and certified its sufficiency. He said after the adoption of this ordinance the entire Regent Park area will be in the City limits. He requested that the ordinance be read on three readings at today's meeting in order to have the effective date of the ordinance for the 30th day of September, 1980.

Mayor Trantham closed the public hearing at 4:18 p. m.

Councilman Cole moved for the adoption of Ordinance No. 1186. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1186 passed on first reading.

PUBLIC HEARING SCHEDULED - AMENDMENT TO CIVIL SERVICE RULE NO. 4

The City Manager presented a recommendation from the Asheville Civil Service Board relative to amending Rule #4 of the Civil Service Rules and Regulations dealing with the age requirements for applicants for Fire Fighters.

Councilwoman Price moved to schedule a public hearing relative to amending Rule #4 of the Civil Service Rules and Regulations for September 25, 1980. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-173 - RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF CHARLOTTE STREET FROM 9 A.M. TO 5 P.M. ON SATURDAY, SEPTEMBER 13, 1980

Consideration was given to a resolution authorizing the closing of a portion of Charlotte Street from 9 a. m. to 5 p. m. on Saturday, September 13, 1980 at the request of the women of St. Mary's Episcopal Church who are planning to hold their 20th annual Sidewalk Sale on Saturday, September 13, 1980.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-173 was unanimously adopted.

Complete text of Resolution No. 80-173 will be found in Resolution Book No. 12 at page 198.

MRS. ROY ROGERS - COMPLAINT RELATIVE TO WATER BILLS

Mrs. Roy Rogers complained to Council about her water bill being too high. She also told Council of a friend of hers water bill being too high.

Mayor Trantham informed Mrs. Rogers that the City Manager would investigate her complaints relative to the water bills.

ED FOWLER - COMMENTS RELATIVE TO ANNEXATION

Mr. Ed Fowler of Skyland asked Council if a feasibility study had been made as to the economic effect on industrial growth if annexation occurred.

Mayor Trantham told Mr. Fowler that this would be looked into during the public hearings relative to annexation.

RALPH BISHOP - COMMENTS RELATIVE TO TOWN MEETING ON WATER PROPOSALS - LOTTERY SALES

Ralph Bishop made comments relative to the town meeting held on September 9, 1980 relative to water proposals and lottery sales in Asheville.

ADJOURNMENT

There being no further business the Council meeting adjourned at 5:15 p. m.


MAYOR


CITY CLERK

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE PROJECT

4. Consideration was given to a motion relative to the sale of disposal parcels in the East Riverside Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
134	Residential	3,600	3,726	L S & M Building Co., Inc.
167-168	Residential	2,900	3,026	L S & M Building Co., Inc.
202	Residential	1,800	1,826	L S & M Building Co., Inc.
203	Residential	1,800	1,826	L S & M Building Co., Inc.
207	Residential	3,500	3,526	L S & M Building Co., Inc.
210	Residential	3,000	3,076	L S & M Building Co., Inc.

Mr. Larry Holt, Deputy Executive Director of the Asheville Housing Authority explained that six (6) single family residences will be built on the lots in the price range of \$40,000 to \$42,000. He reviewed the location of each parcel to be sold.

Vice-Mayor Morris moved to approve the sale of the disposal parcels as tentatively accepted by the Housing Authority. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Boland suggested that the Housing Authority look into a method of building livable but cheap houses in the Valley Street area.

Mr. Holt told Councilman Boland that a lot of different concepts are being discussed for housing in the Valley Street area.

RESOLUTION NO. _____ RESOLUTION DELETING THE NORTH ASHEVILLE PARK PROJECT AT THE SWAIN PROPERTY SITE FROM FURTHER CONSIDERATION BY THE CITY COUNCIL

5. Consideration was given to a resolution deleting the North Asheville Park Project at the Swain property site from further consideration by the City Council.

The City Manager, in summarizing the North Asheville Park Project, said at last Thursday's pre-Council meeting an informal vote was taken by members of Council present, Vice-Mayor Morris being absent, as to whether the City was going ahead with the park on the Swain property and if not, the federal grant money should be returned. He said the informal vote was 3-3 on returning the federal grant money. He said a vote was cast for Vice-Mayor Morris, because he had previously voted against the park, having stated his reasons for doing so. He said this made the vote 4-3 for returning the federal grant money. He said a request was then made to place on today's agenda, based on the informal vote, a resolution that would delete the Swain property from further consideration and to return the federal funds. He said since that time the Mayor has looked into the particular park, which at the time the informal vote was taken he felt the vote was based on the original concept of a ballpark, Babe Ruth field, with lights as it was originally intended which he could not vote for, however, he could vote for a little league field with basketball courts, off-street parking and no lights. This would change the vote 4-3 for not returning the federal grant money.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1186. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1186 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1186. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1186 passed on third and final reading.

Complete text of Ordinance No. 1186 will be found in Ordinance Book No. 9 at page 166.

ORDINANCE NO. 1187 - AN ORDINANCE RESTRICTING USE OF THE CIVIC CENTER PARKING GARAGE TO PATRONS OF SAID FACILITY

3. Consideration was given to an ordinance restricting use of the Civic Center Parking Garage to patrons of said facility.

The City Manager read the ordinance explaining that a new section would be added to the Code of Ordinances of the City of Asheville providing that the presence of anyone in the Civic Center Parking Garage not authorized to be there under the terms of this ordinance shall constitute a misdemeanor. He said the purpose of the ordinance is to stop an increasing amount of unauthorized traffic in the Civic Center.

Councilman Boland moved for the adoption of Ordinance No. 1187. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1187 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1187. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1187 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1187. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1187 passed on third and final reading.

Complete text of Ordinance No. 1187 will be found in Ordinance Book No. 9 at page 168.

- A. Approval of bids received September 15, 1980 for 10,000 board feet bridge decking timbers.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by Southern Wood Piedmont Company in the amount of \$5,490.00. Sufficient funds are available for above expenditure. Account Code 10-15-427.0038. Materials to be used in the repair of Hazel Mill Bridge.

- B. Resolution No. 80-174 - Resolution appointing a member to the Asheville-Buncombe Insurance Advisory Committee.

HIGHLIGHTS: Mr. Robert E. Lineback will be appointed a member of the Asheville-Buncombe Insurance Advisory Committee.

Resolution Book No. 12 Page 199

- C. Resolution NO. 80-175 - Resolution appointing member to the Recreation Board for Asheville.

HIGHLIGHTS: Mrs. Cliff (Amy) Hyatt will be appointed a member of the Recreation Board for Asheville.

Resolution Book No. 12 Page 200

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the consent agenda was unanimously approved.

EXAMINATION OF COURT CASES RELATIVE TO ZONING

Councilman Wilkes moved that the Planning and Zoning Commission examine court cases relative to zoning changes. This motion was seconded by Councilman Boland and carried unanimously.

REQUEST BY COUNCILMAN BOLAND - PROCLAMATION IN OCTOBER RELATIVE TO ASHEVILLE SYMPHONY WEEK

Councilman Boland requested that a proclamation be prepared in October relative to Asheville Symphony Week.

RESOLUTION NO. 80-176 - RESOLUTION DIRECTING THE ASHEVILLE HOUSING AUTHORITY, ACTING IN ITS CAPACITY AS A REDEVELOPMENT COMMISSION, TO PROCEED TO DETERMINE THE APPLICABILITY OF ARTICLE 22, CHAPTER 160A-500-526 FOR THE PROPOSED STROUSE-GREENBERG PROJECT

Consideration was given to a resolution directing the Asheville Housing Authority acting in its capacity as a redevelopment commission to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the proposed Strouse-Greenberg Project.

The City Manager said, however, the decision is not as simple as deciding whether to build a park or not. He said the matter is zoning. He said there are several zoning issues related to the construction of the park, one of which was taken to court and the city lost. He said the City's original position was that the park was a public facility and the City could go ahead and build the park on that basis, however that did not hold up in court. He said the City has several options; 1) rezone the single parcel including the property the school board donated to R-3 Residential, which at this point is the only residential district that will permit a park. However, the rezoning would require six (6) affirmative votes of Council because of the legal process required in notifying adjoining property owners, of which 20% of the property owners would object to the rezoning, requiring six (6) affirmative votes; 2) amend the entire zoning ordinance to permit parks in any residential zone. However, the City Attorney has advised that this process could present legal problems; 3) rezone the property to R-2 Residential District and sell it for the construction of condominiums; 4) donate or sell the property to the school board for future school development; or 5) table action on the resolution proposed for sixty (60) days and ask the City staff and appropriate Council members to contact the YMCA to see if the YMCA property in North Asheville is now available either on a lease or trade basis.

Frank Leppert, member of the Parks and Recreation Advisory Board, said they have tried negotiations with the YMCA to no avail.

Mr. Bill Phiffer, Chairman of the Parks and Recreation Advisory Board, spoke in favor of a North Asheville Park on the Swain property. He suggested amending the entire zoning ordinance to include parks in all residential zones. He appealed to Council not to give up the \$78,000 in federal grant funds for the North Asheville Park.

Mrs. Nancy Cory, member of the Parks and Recreation Advisory Board, said parks built next to schools have proven to be very beneficial.

Mr. Robert Boyd, President of the North Asheville Optimist's Club, spoke in favor of the North Asheville Park being constructed on the Swain property. He said this property is an ideal location for the park. He said a park is very badly needed for the 600 children who play ball in North Asheville.

Mr. Gary Dodd, 2 Baird Lane, also spoke in favor of the North Asheville Park being constructed on the Swain property.

Harold Bennett, attorney representing property owners in North Asheville opposed to the park, spoke in opposition to a park being built on the Swain property. He said the court has decreed that neighborhood parks cannot be constructed in a R-1 Residential District.

Councilman Wilkes moved to postpone action on the resolution for sixty (60) days in order that Council can look at other options for a North Asheville Park. This motion was seconded by Councilwoman Price and carried unanimously.

Councilwoman Price was excused from the meeting at 5:09 p. m.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

PROCLAMATION - NATIONAL EXECUTIVE HOUSEKEEPER'S WEEK - SEPTEMBER 14 - 20, 1980

Mayor Trantham proclaimed the week of September 14 - 20, 1980 as National Executive Housekeeper's Week.

CLAIMS - GLEN DAVIS - JAMES D. WILLIAMSON - SCOLMIA S. RICE - WALTER BEALE FLETCHER - MARY ROBINSON - MARY HARDY

The City Manager presented claims received from Glen Davis, James D. Williamson, Scolmia S. Rice, Walter Beale Fletcher, Mary Robinson, and Mary Hardy.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

QUALITY FORWARD SCULPTURE COMMITTEE - DISCUSSION

The City Manager said the Quality Forward Sculpture Committee is trying to raise funds to put a sculpture on Pack Square when it is completed. He said the Committee wanted to know if the City Council would mind if a sculpture was put on the Square and if they would serve as a grantee for a federal/state or foundation grant for the sculpture.

Councilman Cole commented that the late Representative Mary Nesbitt worked hard on having a sculpture of Thomas Wolfe placed on the Court Plaza.

It was the consensus of Council that they would not object to a sculpture being placed on Pack Square provided that it is suitable for the location and at no cost to the City. It was also the consensus of Council that the sculpture be approved by the City Council.

LETTER FROM BILL FRUE, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION - RE: BUTLER ASSOCIATES REPORT OF 9/10/80

The City Manager read the following letter:

September 17, 1980

Mr. K. M. Michalove
City Manager
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Re: Bulter Associates Report of 9/10/80

Dear Ken:

I have reviewed the Butler report which you kindly handed me this week and it would appear that although Butler Associates believes that 50 percent of the structures fall within the blighted category, that this is based upon random samplings of 50 structures.

Verl Emrick, Planning Director, read the resolution explaining that this is the next step in complying with the N.C. General Statutes relative to the Strouse-Greenberg Project.

Wayne Caldwell asked questions of Mr. Emrick relative to the proposed resolution.

Ralph Bishop asked Council how much money this proposal would cost the city taxpayers.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 80-176 was unanimously adopted.

Wayne Caldwell, Chairman of the Save Downtown Asheville Committee, said he did not get an opportunity to ask Council before the vote on the resolution, to table action on the resolution until their attorney had an opportunity to review the resolution.

Complete text of Resolution No. 80-176 will be found in Resolution Book No. 12 at page 201.
RALPH BISHOP - COMMENTS RELATIVE TO SULLIVAN ACT

Mr. Ralph Bishop made comments to Council relative to the enactment of the Sullivan Act. He opposed using city taxpayer's money to hire Attorney Harold Bennett to get the Sullivan Act declared invalid.

EDWARD BURKE, JR. - COMMENTS RELATIVE TO WATER RATES

Mr. Edward Burke, Jr., said he was representing a group of Buncombe County citizens who are opposed to actions taken by the City Council. He said he noticed a chart in the Asheville Citizen paper which listed cities charging double and triple water rates. He said he could not find in the chart or the article a reference to what basis those rates were charged. He challenged the City Council and the news media to present to the citizens of Buncombe County, by area that they have named as charging double rates; 1) who originally paid for the distribution lines; 2) what are those rates in comparable population areas to the rates charged in Asheville; and 3) what does the city want the county to do to try to get together with them to solve a problem that is very vital to everyone in the county?

RESOLUTION NO. 80-177 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN A MEMORANDUM OF UNDERSTANDING WITH E. TED LINN

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to sign a memorandum of understanding with E. Ted Linn.

The City Manager read the resolution explaining that it is in the best interests of the City of Asheville to purchase the E. Ted Linn property on Valley Street for expansion of City operations.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 80-177 was unanimously adopted.

Complete text of Resolution No. 80-177 will be found in Resolution Book No. 12 at page 202.

Thursday - September 25, 1980 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Mayor Roy M. Trantham (attending meeting in Raleigh; Councilwoman Norma T. Price (vacation); Associate City Manager/City Clerk William F. Wolcott, Jr. (vacation)

INVOCATION

Councilman Walter R. Boland gave the invocation.

RESOLUTION NO. 80-178 - RESOLUTION IN MEMORY OF EARL W. ELLER

Vice-Mayor Morris read a resolution in memory of Earl W. Eller, former member of the Council and Mayor of the City of Asheville from February, 1943 until May, 1969, who passed away on September 24, 1980.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 80-178 was unanimously adopted.

Complete text of Resolution No. 80-178 will be found in Resolution Book No. 12 at page 203.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 18, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the September 18, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-179 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDERS 9, 10, AND 11 WITH CHAMPION CONTRACTING COMPANY INC. FOR THE PROJECT KNOWN AS SITE PREPARATION FOR 1,500' RUNWAY AND TAXIWAY EXTENSION

2. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Orders 9, 10, and 11 with Champion Contracting Company, Inc. for the project known as site preparation for 1,500' Runway and Taxiway Extension.

The City Manager read the resolution and explained that these change orders will make final adjustments in various elements of the contract to those actually required to complete the project.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 80-179 was unanimously adopted.

Complete text of Resolution No. 80-179 will be found in Resolution Book No. 12 at page 204.

I do not want to ask members of the Planning and Zoning Commission to make a judgment based on random samplings and I would request that all the structures be examined. I understand this would require inspection of only 42 other buildings and the report could be prepared without too much additional work on the part of Butler Associates.

Very truly yours,

/s/ W. C. Frue

William C. Frue
Chairman

WCF/nr

cc/Members, Asheville
Planning and Zoning Commission

The City Manager said based on this request he would proceed to implement Part C of the Butler Associates agreement approved by Council on September 11, 1980.

PUBLIC HEARING RESCHEDULED - CIVIL SERVICE RULE #4 AMENDMENT

Councilman Cole moved to reschedule the public hearing relative to amending Rule #4 of the Civil Service Rules and Regulations for October 2, 1980. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDMENT TO SIXTH YEAR COMMUNITY DEVELOPMENT APPLICATION

Councilman Boland moved to schedule a public hearing to receive public comments for an amendment to the Sixth Year Community Development Application for October 9, 1980. This motion was seconded by Councilman Cole and carried unanimously.

REINSTATEMENT OF FLOOD INSURANCE - SEPTEMBER 22, 1980

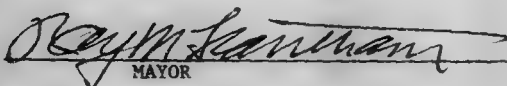
The City Manager advised Council that he had been informed that the City of Asheville will be reinstated in the Flood Insurance Program effective September 22, 1980.

CINNAMON RIDGE APARTMENT COMPLEX - DISCUSSION

The City Manager said the proposed Cinnamon Ridge Apartment Complex would be reviewed by the Planning and Zoning Commission before being considered by the City Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:50 p. m.


MAYOR

CITY CLERK

Buncombe County Youth Council, through the Director of Parks and Recreation, will apply for a mini-grant in the amount of \$500, to the North Carolina Youth Advisory Council to implement a project with the Buncombe County Special Olympics.

Resolution Book No. 12 Page 206.

- C. Resolution No. 80-182 - Resolution appointing members to the Recreation Board for Asheville.

HIGHLIGHTS: Mr. Frank T. Leppert and Mr. Richard Fain will be reappointed as members of the Recreation Board for Asheville.

Resolution Book No. 12 Page 207.

- D. Approval of bids received September 10, 1980 to install Ballfield Lighting System at Montford Recreation Complex.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by M. B. Haynes Electrical Corporation in the amount of \$26,845.00. Sufficient funds are available under Riverside Park Development - Account Code 16-526.0073.

- E. Approval of bids received September 15, 1980 for Bulk Sodium Chloride (Rock Salt) for Snow and Ice Control.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by International Salt Company in the amount of \$42,300.00. This expenditure is covered by funding from the General Fund - Street Division Appropriation.

Upon motion of Councilman Cole, seconded by Councilman Boland, the consent agenda was unanimously approved.

CLAIMS - W. D. KRISHER

The City Manager presented a claim received from W. D. Krisher.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 80-183 - RESOLUTION WAIVING SECTIONS 25-5 AND 25-6 OF THE CODE OF ORDINANCES FOR THE CITY-COUNTY PLAZA ON OCTOBER 11, 1980 FROM 3 TO 7 P.M.

Consideration was given to a resolution waiving Sections 25-5 and 25-6 of the Code of Ordinances for the City-County Plaza on October 11, 1980 from 3 to 7 p. m.

The City Manager read a letter from the Buncombe County Democratic Executive Committee, Activities Chairman, Nancy Duvall, requesting that these sections of the Code be waived during their "ole" time rally, "bazaar," "bake sale," "bingo," and "flea market" in the City-County Plaza, Saturday, October 11, 1980 at 3 p. m. through 7 p. m. for the benefit of the party's fund raising campaign.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - LIBRARY CONSTRUCTION

3. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for 1980-81.

The City Manager presented the budget amendment in the amount of \$16,055, which will appropriate money for the continuous on-site supervision provided during the construction of the library.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - AIRPORT RUNWAY EXTENSION PROJECT

4. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for 1980-81.

The City Manager presented the budget amendment in the amount of \$185,040, which will appropriate money from the federal and state governments and the City of Asheville to pay for the change orders to close out the Runway Extension Project.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-180 - Resolution of intent to close a public street and calling a public hearing on the question for October 30, 1980.

HIGHLIGHTS: A petition has been filed by Selby P. Wright requesting that a portion of East Riverview Drive, also known as Thompson Street, be closed permanently.

Resolution Book No. 12 Page 205

- B. Resolution No. 80-181 - Resolution authorizing the Director of Parks and Recreation to seek grant funding from the North Carolina Youth Advisory Council for the Buncombe County Special Olympics Project of the Asheville-Buncombe County Youth Council.

HIGHLIGHTS: The Buncombe County Special Olympics is hosting the 1980 North Carolina Special Olympics Fall Games and donations and other special funds must accommodate expenditures for lodging and food for the participants. Funds for mini-grants are available from the North Carolina Youth Advisory Council through the local Youth Council's affiliation with the State Youth Council. The Asheville-

Thursday - October 2, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland

INVOCATION

Councilman F. Jack Cole gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 25, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the minutes of the September 25, 1980 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENT TO CIVIL SERVICE RULES AND REGULATIONS - RULE NO. 4

2. A public hearing was held relative to amending the Civil Service Rules and Regulations- Rule No. 4.

Mayor Trantham opened the public hearing at 4:04 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Sam Graves, Director of Employee Services, explained the proposed amendment stating that this would change the age requirement for applicants for Firefighter from age 21 to age 18. He said the amendment would also require that applicants for the Fire and Police Department present a report on the status of his/her health and physical fitness, certified by a medical doctor, at the time that application is made for the position. He said the amendment would not affect existing employees but would affect entrance level employees. He said a survey was made of other cities in North Carolina and most other cities have the age limit for Firefighters at 18 and Police at 21.

There being no further discussion, Mayor Trantham closed the public hearing at 4:09 p. m.

Councilwoman Price moved to approve the proposed amendment to Civil Service Rule No. 4 as explained by Mr. Graves. This motion was seconded by Councilman Cole and carried unanimously.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 80-183 was unanimously adopted.

Complete text of Resolution No. 80-183 will be found in Resolution Book No. 12 at page 208.

PROCLAMATION - FIRE PREVENTION WEEK - OCTOBER 5 - 11, 1980

Vice-Mayor Morris proclaimed the week of October 5 - 11, 1980 as Fire Prevention Week.

COUNCILMAN WILKES - MINORITY BUSINESS IN EAST RIVERSIDE URBAN RENEWAL PROJECT - MR. JAMES GREEN

Councilman Wilkes said Mr. James Green has made a proposal to construct a minority business on Depot Street in the East Riverside Urban Renewal area. He said Mr. Green has made a partial payment on the land adjacent to the tennis courts in the area. He said there has not been a minority business constructed in the project area.

After a brief discussion, Councilman Boland moved to instruct the City Manager to prepare a resolution, for Council's consideration, endorsing Mr. Green's minority business on Depot Street in the East Riverside Urban Renewal Project. This motion was seconded by Councilman Wilkes and carried unanimously.

RALPH BISHOP - LOTTERY LAWS - CITY RECORDS

Mr. Ralph Bishop made comments to Council relative to the lottery laws in North Carolina and his difficulty in obtaining city records.

NED FOWLER - DISCUSSION RELATIVE TO PROPOSED ANNEXATIONS

Mr. Ned Fowler said he made a request to Council several weeks ago, that a feasibility study be made on the economic impact of industrial growth in areas adjacent to the areas proposed to be annexed into the City of Asheville. He asked Council if that study had been started. He said he felt the study would reveal a great impact on the industrial growth. He said the industrial growth would rapidly decrease if the areas are annexed.

After discussion relative to Mr. Fowler's request, Vice-Mayor Morris said Council could ask the Planning Department to review the possibility of conducting such a feasibility study in preparing their plans for proposed annexations.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Brownlee, the meeting adjourned at 4:50 p. m.

Raym. L. Lantieri
MAYOR

William F. Holcomb
CITY CLERK

- B. Resolution No. 80-186 - Resolution authorizing the Mayor to execute right-of-way agreements with the North Carolina Department of Transportation for the purpose of widening and improving Edgewood Road.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for the purpose of widening and improvement of Edgewood Road.

Resolution Book No. 12 Page 211

- C. Resolution No. 80-187 - Resolution authorizing the Mayor to execute a release from a lease between the City of Asheville and Evelyn Giezentanner et al relative to the North Carolina Department of Transportation's acquisition of right-of-way for the improvement of Valley Street.

HIGHLIGHTS: The City of Asheville operates a service station on Valley Street on property leased from Evelyn Giezentanner et al, who have entered into a right-of-way agreement with the North Carolina Department of Transportation for a right-of-way over certain portions of the property relative to the Valley Street Improvement Project. The above resolution will authorize the execution of a release by the City of Asheville, of the lease to so much of the property as is described in the right-of-way agreement.

Resolution Book No. 12 Page 212

- D. Resolution No. 80-188 - Resolution appointing members to the Board of Directors of the Victoria of Asheville, Inc.

HIGHLIGHTS: Dorothy C. Maitland and John F. Shuford will be appointed to the Board of Directors of the Victoria of Asheville, Inc.

Resolution Book No. 12 Page 213

- E. Approval of bids received September 19, 1980 for 100 traffic model fire hydrants.

HIGHLIGHTS: Six (6) bids were received. Recommendation of acceptance of low bid submitted by Pump and Lighting Company of Charlotte, North Carolina in the amount of \$33,844.35. Sufficient funds are available in the Water and Sewer Operation Appropriations - Account Code 30-140 Inventory.

Upon motion of Councilman Cole, seconded by Councilwoman Price the consent agenda was unanimously approved.

BUDGET AMENDMENT - GRANT PROGRAMS CETA BUDGET FOR FISCAL YEAR 1980-81

3. Consideration was given to a budget amendment amending the Grant Programs CETA budget for fiscal year 1980-81.

The City Manager presented the budget amendment stating that the amendment in the amount of \$116,086 is to appropriate CETA funds received from Buncombe County Employment and Training Office for the CETA Skills Development Program '81 in accordance with a contractual agreement between the City of Asheville and Buncombe County approved by the City Council's Resolution No. 80-142.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 80-184 - RESOLUTION SUPPORTING MINORITY BUSINESS DEVELOPMENT IN THE EAST RIVERSIDE URBAN RENEWAL AREA - MR. JAMES GREEN PROPOSED DEVELOPMENT

4. Consideration was given to a resolution supporting minority business development in the East Riverside Urban Renewal Area.

The City Manager read the resolution explaining that as instructed by Council on September 25, 1980 a resolution was prepared to endorse an effort on the part of Mr. James Green to develop the first minority business venture in the newly developed East Riverside Area.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 80-184 was unanimously adopted.

Complete text of Resolution No. 80-184 will be found in Resolution Book No. 12 at page 209.

APPROVAL OF CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-185 - Resolution authorizing the Mayor to execute a right-of-way agreement with East Asheville Youth, Inc. of Asheville, North Carolina concerning a parcel of land on which to construct a pump station.

HIGHLIGHTS: This encroachment agreement with East Asheville Youth, Inc. is for the purpose of constructing a pump station on their property in the Haw Creek area.

Resolution No. 12 Page 210

Thursday - October 9, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland

INVOCATION

Councilwoman Norma T. Price gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 2, 1980 meeting.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, the minutes of the October 2, 1980 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENT TO SIXTH YEAR COMMUNITY DEVELOPMENT APPLICATIONRESOLUTION NO. 80-189 - RESOLUTION AMENDING THE CITY OF ASHEVILLE'S SIXTH YEAR ENTITLEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

2. A public hearing was held relative to amending the Sixth Year Community Development Application.

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public stating the time and date set for the public hearing.

Logan Delany, Director of Community Development, said the HUD area office informed the Mayor on June 13, 1980 that \$2,471,801.43 in surplus funds remain after financial settlement of Urban Renewal N. C. R-48 which was available to the City of Asheville in carrying out the City's Community Development Block Grant Program. He said this would require an amendment to increase the Sixth Year Community Development Block Grant allocation. Mr. Delany explained the allocations for the amendment.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, commented relative to the proposed amendment to the Sixth Year Community Development Block Grant Program.

After discussion, Mayor Trantham closed the public hearing at 4:35 p. m.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-189 was unanimously adopted.

Complete text of Resolution No. 80-189 will be found in Resolution Book No. 12 at page 214.

CLAIMS - JOHN PSYCHOS - ANN W. WILSON - HOWARD H. DAVIS - HOWARD COLLINS -
PATRICIA SOUTHERLAND - JAMES CHANEY

The City Manager presented claims received from John Psychos, Ann W. Wilson, Howard H. Davis, Howard Collins, Patricia Southerland, and James Chaney.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - FARM-CITY WEEK - OCTOBER 6 - 11, 1980

Mayor Trantham proclaimed the week of October 6 - 11, 1980 as Farm City Week.

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT REVIEW - CAROLINA POWER AND LIGHT
COMPANY - FIELD FACILITIES BUILDING

The City Manager presented a letter from the Planning and Zoning Commission recommending approval of the site plan of the proposed Field Facilities Building of Carolina Power and Light Company to be located at the corner of Haywood and Carter Streets.

Vice-Mayor Morris moved to schedule a public hearing relative to the site plan for the proposed Field Facilities Building of Carolina Power and Light Company for October 9, 1980. This motion was seconded by Councilman Wilkes and carried unanimously.

RALPH BISHOP - COMMENTS RELATIVE TO CHIEF OF POLICE FRED HENSLEY

Ralph Bishop made comments to Council relative to the Chief of Police Fred Hensley.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the meeting adjourned at 4:25 p. m.


MAYOR


CITY CLERK

The City Manager read the ordinance explaining that the school zone for Haw Creek Elementary School will be Trinity Chapel Road between New Haw Creek Road and Old Haw Creek Road.

Councilwoman Price moved for the adoption of Ordinance No. 1188. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1188 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1188. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1188 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1188. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1188 passed on third and final reading.

Complete text of Ordinance No. 1188 will be found in Ordinance Book No. 9 at page 170.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET - WEST ASHEVILLE STREET AND DRAINAGE PROJECT

6. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment stating that the budget amendment, in the amount of \$20,000, is to provide additional funds for the completion of the West Asheville Street and Drainage Project. This would include installation of catch basin and the continuation of paving improvements on the lower end of Burton Street to Patton Avenue.

Logan Delany, Director of Community Development, said the McDonalds Company will be sharing the cost of the paving improvements on the lower end of Burton Street in the amount of \$10,000.

Councilwoman Price moved to approve the budget amendment presented by the City Manager. This motion was seconded by Vice-Mayor Morris and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - LEXINGTON AVENUE

7. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for fiscal year 1980-81 and the General Capital Projects Budget.

The City Manager presented the budget amendment in the amount of \$20,000, which will appropriate funds for improvements to Lexington Avenue which will include widening of N. Lexington from Patton to College, widening of S. Lexington from Patton to the end of the new parking area (formerly the Man Store), sidewalk will be built on the east side of N. Lexington from College to Patton and on the west side of N. Lexington some repair work will be done. The City's share of the demolition of the Man Store will be paid for by this appropriation.

PUBLIC HEARING - GROUP DEVELOPMENT - PROPOSED FIELD FACILITIES BUILDING - CAROLINA POWER AND LIGHT COMPANY

3. A public hearing was held relative to a group development of the proposed Field Facilities Building of Carolina Power and Light Company.

Mayor Trantham opened the public hearing at 4:40 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the proposed site plan and recommended to the Council that the site plan of the proposed Field Facilities Building of Carolina Power and Light Company to be located at the corner of Haywood and Carter Streets be approved subject to the requirements of the Erosion Control Ordinance.

Tom Dabney of the Carolina Power and Light Company spoke in support of the proposed facilities and presented a model of the proposed building.

After discussion, Mayor Trantham closed the public hearing at 4:45 p. m.

Councilman Cole moved to approve the site plan of the proposed Field Facilities Building of Carolina Power and Light Company subject to the requirements of the Erosion Control Ordinance. This motion was seconded by Councilman Wilkes and carried unanimously.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING SECTION 28-82.2 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD EMMANUEL LUTHERAN SCHOOL TO THE LIST OF PAROCHIAL AND DAY SCHOOLS FOR WHICH THE SPEED LIMIT HAS BEEN SET AT TWENTY-FIVE MILES PER HOUR

4. Consideration was given to an ordinance amending Section 28-82.3 of the Code of Ordinances of the City of Asheville to add Emmanuel Lutheran School to the list of parochial and day schools for which the speed limit has been set at twenty-five miles per hour.

The City Manager read the ordinance.

Councilwoman Price questioned the locations for the speed limit set for Emmanuel Lutheran School.

After discussion, Councilwoman Price moved to continue the ordinance until October 16, 1980 in order that more information could be obtained relative to the locations. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1188 - AN ORDINANCE AMENDING SECTION 28-82.2 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO CHANGE THE LOCATION OF THE SCHOOL ZONE FOR HAW CREEK ELEMENTARY SCHOOL

5. Consideration was given to an ordinance amending Section 28-82.2 of the Code of Ordinances of the City of Asheville to change the location of the school zone for Haw Creek Elementary School.

BUDGET AMENDMENT - CITY OF ASHEVILLE GRANTS PROGRAM BUDGET - CETA FUNDS

11. Consideration was given to a budget amendment amending the City of Asheville Grants Program Budget for fiscal year 1980-81.

The City Manager presented the budget amendment in the amount of \$3,683, which will appropriate additional grant money from the Buncombe County Employment and Training Office. The money is in addition to the CETA Skills Development Program '81 grant which was budgeted by City Council on October 2, 1980. The money will be used for skilled worker's training.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-192 - Resolution authorizing the execution of a memorandum of understanding between the City of Asheville and the North Carolina Department of Transportation for performance of snow and ice control on certain state system streets.

HIGHLIGHTS: The City and State are in agreement that snow and ice control can be performed in a more efficient and economical manner and provide a higher level of snow and ice control to the citizens of Asheville, by the City performing snow and ice control on certain State System streets. This resolution will authorize the City Manager to execute a memorandum of understanding between the City of Asheville and the North Carolina Department of Transportation as to which State System Streets the City will assume responsibility for snow and ice control and the methods by which the North Carolina Department of Transportation will reimburse the City for materials used in performing snow and ice control on the specified streets.

Resolution Book No. 12 Page 217

- B. Resolution No. 80-193 - Resolution authorizing the Mayor to sign an amendment to the existing agreement with the Buncombe County Commissioners for a federal grant under the Comprehensive Employment and Training Act of 1973 for Fiscal Year 1980-81

Councilman Cole moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 80-190 - RESOLUTION RELATIVE TO THE SALE OF PROPERTY ON CHOCTAW STREET

8. Consideration was given to a resolution relative to the sale of property on Choctaw Street to Rev. Wesley Grant.

The City Manager read the resolution explaining that this would begin the process necessary for the sale of the property to Rev. Wesley Grant.

After discussion, Councilwoman Prive moved for the adoption of the resolution adding "subject to the restrictions included in the deed" to the last paragraph. This motion was seconded by Councilman Wilkes and carried unanimously.

Complete text of Resolution No. 80-190 will be found in Resolution Book No. 12 at page 215.

RESOLUTION NO. 80-191 - RESOLUTION AUTHORIZING THE PURCHASE OF THE E. TED LINN PROPERTY ON VALLEY STREET

9. Consideration was given to a resolution authorizing the purchase of the E. Ted Linn property on Valley Street.

The City Manager read the resolution explaining that on September 18, 1980 Council adopted Resolution No. 80-177 authorizing the Mayor to execute a memorandum of understanding relative to the purchase of the E. Ted Linn property on Valley Street. He said this resolution will authorize the Mayor to execute the necessary documents relative to the purchase of this property.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 80-191 was unanimously adopted.

Complete text of Resolution No. 80-191 will be found in Resolution Book No. 12 at page 216.

BUDGET AMENDMENT - CITY OF ASHEVILLE GRANTS PROGRAM BUDGET - CETA FUNDS

10. Consideration was given to a budget amendment amending the City of Asheville Grants Program Budget for fiscal year 1980-81.

The City Manager presented the budget amendment in the amount of \$27,850 which will appropriate additional funds made available through the Buncombe County Employment and Training Office for the CETA Skill Craft Training Program for fiscal year 1980-81. Two additional fire cadets will be trained with this money bringing to five the number of cadets which will be trained in fiscal year 1980-81.

Councilman Wilkes moved the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

**RESOLUTION NO. 80-196 - RESOLUTION NOMINATING AND ENDORSING MAYOR ROY M. TRANHAM
FOR THE OFFICE OF THIRD VICE PRESIDENT OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

13. Consideration was given to a resolution nominating and endorsing Mayor Roy M. Tranham for the office of Third Vice President of the North Carolina League of Municipalities.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 80-196 was unanimously adopted.

Complete text of Resolution No 80-196 will be found in Resolution Book No. 12 at page 224.

COUNCILMAN WILKES - COMMENTS RELATIVE TO COUNCILMAN BOLAND

Councilman Wilkes requested that Council send Councilman Boland a "Get Well" card. He said Councilman Boland has been sick for the past two weeks.

RESOLUTION NO. 80-197 - RESOLUTION CONSIDERING THE REZONING OF THE PROPERTY KNOWN AS THE MANOR

14. Consideration was given to a resolution considering the rezoning of the property known as the Manor.

The City Manager read the resolution stating that the resolution would direct the Planning and Zoning Commission to convene to discuss and forward a recommendation to City Council relative to rezoning Lot 98, Sheet 15, Ward 2, from OI Office Institutional to R-2 Low Density Residential District and Lot 100, Sheet 15, Ward 2 from OI Office Institutional District to R-3 Medium Density Residential District and that due notice be given to property owners and the surrounding neighborhood prior to the discussions relative to this resolution.

Mr. R. L. Bailey, one of the principal owners of the Manor, spoke in opposition to the resolution.

Mr. Dick Gilbert, of Stone Soup, a tenant in the Manor, spoke in opposition to the resolution. He said Council should approach the resolution with caution. He requested that Council take no action on the resolution until the owners of the Manor could meet with the surrounding property owners to discuss the current plans for the Manor.

Mr. Mac Day, of the Grove Park Citizens Association, spoke in support of the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Morris, Resolution No. 80-197 was unanimously adopted.

Complete text of Resolution No. 80-197 will be found in Resolution Book No. 12 at page 225.

- B. **HIGHLIGHTS:** Additional monies are presently available to the City through the Buncombe County Office of Employment and Training for the purpose of employing two (2) additional fire cadets, and to further reinstate to the City of Asheville's requested budget, monies that were previously requested budget, monies that were previously requested but not granted. It is necessary in order to receive these additional funds to amend the original contract.

Resolution Book No. 12 Page 218 .

- C. Resolution No. 80-194 - Resolution of intent to close portions of South French Broad Avenue, Livingston Street and Bartlett Street and calling a public hearing on the question for November 6, 1980.

HIGHLIGHTS: The Housing Authority has filed a petition requesting that portions of said streets be permanently closed to public use. The Housing Authority has completed street and site improvements in the area of the portions of said streets, being in the East Riverside Redevelopment Project N. C. R-48, which requires the closing of portions of said streets. Pursuant to N.C.G.S. 160A-299 a public hearing is required by the Council before the streets can be permanently closed.

Resolution Book No. 12 Page 219 - 222

- D. Scheduling of a public hearing relative to the site plan of the proposed Biltmore Professional Center Office Building to be located at Reed and Yorkshire Streets for October 23, 1980.

HIGHLIGHTS: The Planning and Zoning Commission has recommended to the City Council of the City of Asheville that the site plan of the proposed Biltmore Professional Center Office Building to be located at Reed and Yorkshire Street be approved.

- E. Resolution No. 80-195 - Resolution supporting the North Carolina League of Municipalities Legislative Program.

HIGHLIGHTS: The City of Asheville is in support of the legislative program of the North Carolina League of Municipalities to the 1981 General Assembly.

Resolution Book No. 12 Page 223

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

CLAIMS - J. D. SUMMEY - A. J. GLENN, SR.

The City Manager presented claims received from J. D. Summey and A. J. Glenn, Sr.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - ALPHA DELTA KAPPA WEEK - OCTOBER 12 - 18, 1980.

Mayor Trantham proclaimed the week of October 12 - 18, 1980 as "Alpha Delta Kappa Week."

PROCLAMATION - FALL ARTS FESTIVAL - OCTOBER 9, 1980 - OCTOBER 19, 1980

Leslie Anderson, Chairman of the Cultural Division of Quality Forward, extended an invitation to members of Council to attend the Fall Arts Festival activities beginning on October 9, 1980 and continuing through the weekend of October 18, 1980.

Councilwoman Price moved that the Asheville City Council supports the concept of the Fall Arts Festival. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDMENT TO ORDINANCE NO. 1172 - ASHEVILLE FLOODPLAIN ORDINANCE

The City Manager read a letter from Mr. Verl Emrick, Director of Planning and Clark Brown, Director of Public Works which requested an amendment to the Asheville Floodplain Ordinance relative to the Floodway Maps.

Councilwoman Price moved to schedule a public hearing for an amendment to Ordinance No. 1172 for October 30, 1980. This motion was seconded by Councilman Cole and carried unanimously.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES AND CITY RECORDS

Mr. Ralph Bishop made comments relative to the lottery sales in the City and his difficulty in obtaining city records.

ADJOURNMENT

There being no further business, Mayor Trantham adjourned the meeting at 6:00 p. m.


MAYOR


CITY CLERK

On a roll call vote of 7-0, Ordinance No. 1189 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third reading of Ordinance No. 1189. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1189 passed on third and final reading.

Complete text of Ordinance No. 1189 will be found in Ordinance Book No. 9 at page 170.

ORDINANCE NO. 1190 - ORDINANCE AMENDING SECTION 236 OF THE 1945 CODE OF ORDINANCES RELATING TO REPORTS REQUIRED FROM OUTSIDE ORGANIZATIONS RECEIVING FUNDS FROM THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance amending Section 236 of the 1945 Code of Ordinances relating to reports required from outside organizations receiving funds from the City of Asheville.

The City Manager read the ordinance explaining that this would require organizations receiving funds from the City of Asheville to prepare and provide to the City periodic financial reports showing all receipts and disbursements of the organization. They shall also agree to have its financial records audited annually and such organizations shall provide the City with a copy of their annual audited financial report as soon as such report is available.

Councilman Cole suggested that the ordinance include a "certified annual audited financial report."

Vice-Mayor Morris requested a list of the outside organizations that receive funds from the City of Asheville.

Councilman Wilkes moved for the adoption of Ordinance No. 1190 adding the word "certified" to audited financial report. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1190 passed on first reading.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - PURCHASE ORDERS OUTSTANDING

4. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment stating that the amendment will appropriate \$309,565 to pay for purchase orders which were outstanding as of June 30, 1980, and which have been re-encumbered in fiscal year 1980-81. The items to be purchased were budgeted in fiscal year 1979-80 but the items had not been received as of June 30, 1980. Therefore, the expenditures for the items will be recorded against the current fiscal year's budget. The funds to pay for the items are in fund balances which remained on June 30, 1980.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

Thursday - October 16, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr. Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Roy M. Trantham gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 9, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the October 9, 1980 meeting were approved as submitted.

ORDINANCE NO. 1189 - AN ORDINANCE AMENDING SECTION 28-82.3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD EMMANUEL LUTHERAN SCHOOL TO THE LIST OF PAROCHIAL AND DAY SCHOOLS FOR WHICH THE SPEED LIMIT HAS BEEN SET AT TWENTY-FIVE MILES PER HOUR

2. Consideration was given to an ordinance amending Section 28-82.2 of the Code of Ordinances of the City of Asheville to add Emmanuel Lutheran School to the list of parochial and day schools for which the speed limit has been set at twenty-five miles per hour.

The City Manager said this ordinance was considered at the October 9, 1980 meeting but was tabled until October 16, 1980.

Paul Dutcher, Traffic Engineer, said several years ago the State decided to upgrade the school zone protection. He said their policy at that time was to provide for regulated speed limits on state system streets that abutted a school. He said there is a school crossing at Druid Drive and at Johnston Boulevard. He said citations were issued in this area that were contested in court and disposed of. He said since that time the State has revised their policy to include any city or state system street that is near a school. He said he had checked with the Emmanuel Lutheran School relative to the hours needed for the enforcement of the school zone speed limit.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1189. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1189 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1189. This motion was seconded by Councilman Wilkes and carried unanimously.

The City Manager gave the following report:

City of Asheville
Statement on Ballard Property
Hendersonville Road

The statement that the taxes on property owned by Mr. Ballard on Hendersonville Road have increased \$14,000 because of annexation based on records from the Buncombe County Tax Department appears to be incorrect. Mr. Ballard's taxes have increased since 1973 but the vast majority of those increases are caused by the following facts:

1. Mr. Ballard did not own or pay taxes on property leased by Taylor Rental (Ward 7, Sheet 52, Lot 353) in 1973. In 1979 he paid \$1,336.68 on this property.
2. The tax values of his other locations have increased dramatically due to the construction of new buildings, renovation of old buildings and increases in inventory.
3. Of the total taxes paid in 1979 of \$13,432.73, \$6,193.98 or almost half, were County taxes which paid for some services for which no benefit was received.
4. The total tax value of Mr. Ballard's property increased ~~from~~ approximately \$380,000 in 1974 to \$742,000 in 1979.

Overall Mr. Ballard's taxes increased \$1,215.65 in 1974 because of the annexation effective that year. He paid only \$6,551.67 more in taxes in 1979 on all his property because it was within the City, and in order to get a proper perspective you must look at what he got for these taxes. Fire insurance savings on his Appliance & Cabinet business alone amounts to \$3,785/year. Similar savings would apply to each of the other locations. In addition, he received the benefit of free street lights, free garbage pickup at each location of six containers/week, and an increased level of other City services for each location. If a complete evaluation of the direct savings at all locations were done, it would very probably show a direct savings to Mr. Ballard and the tenants at his locations because they are in the City.

SIGN PERMIT - 770 PATTON AVENUE - MOSS AUTO SALES

5. Consideration was given to a motion relative to a free standing sign permit at 770 Patton Avenue.

J. E. Johnson, Director of Inspections, said Allan Moss, of Moss Auto Sales, applied for a permit to erect a free standing sign at 770 Patton Avenue. He said pursuant to Ordinance No. 322, Council must approve a sign which will be situated closer than 600' from the expressway. He said the sign meets all the code requirements.

After a brief discussion, Vice-Mayor Morris moved to approve the sign permit for Allan Moss of Moss Auto Sales at 770 Patton Avenue. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 80-198 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH LOGAN CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS ASHEVILLE CIVIC CENTER EXTERIOR WALL TUCK POINTING

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Logan Construction Company for the project known as Asheville Civic Center Exterior Wall Tuck Pointing.

The City Manager read the resolution stating that five (5) bids were received on October 10, 1980 for the Asheville Civic Center Exterior Wall Tuck Pointing. It was recommended that the low bid submitted by Logan Construction Company, in the amount of \$6,880.00, be accepted.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-198 was unanimously adopted.

Complete text of Resolution No. 80-198 will be found in Resolution Book No. 12 at page 226.

COUNCILMAN WILKES - INTRODUCED HIS WIFE AND CHILDREN

Councilman Wilkes introduced his wife and two children who were in attendance.

COUNCILMAN WILKES - TRANSFER TRUCKS PARKED ON CHOCTAW STREET

Councilman Wilkes reported that transfer (trailer) trucks have been parked on Choctaw Street for the past thirty (30) days.

The City Manager said he would investigate the matter.

REPORT - BALLARD PROPERTY ON HENDERSONVILLE ROAD - ANNEXATION VS. TAXES

Mayor Trantham said he had received a number of telephone calls and inquiries relative to a sign Mr. Ballard at Ballard's Appliance Company placed on this property. He said as a result of the inquiries he had asked the City Manager to give Council a report relative to the statements contained in the sign on Mr. Ballard's property that stated "Taxes Up \$11,000 a Year, ~~Policing~~ Reduced! No Trash Pick-Up! A Taxpayer Rip Off!"

RESOLUTION NO. 80-199- RESOLUTION APPOINTING MEMBER TO THE CITY OF ASHEVILLE
BOARD OF ALCOHOLIC CONTROL - REAPPOINTMENT OF J. W. BYERS

Consideration was given to a resolution re-appointing Mr. J. W. Byers a member of the City of Asheville Board of Alcoholic Control.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-199 was unanimously adopted.

Complete text of Resolution No. 80-199 will be found in Resolution Book No. 12 at page 227.

RESOLUTION NO. 80-200 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE
DISTRICT BOARD - MR. FRANK SMITH

Consideration was given to a resolution appointing Mr. Frank Smith a member of the Metropolitan Sewerage District Board.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-200 was unanimously adopted.

Complete text of Resolution No. 80-200 will be found in Resolution Book No. 12 at page 228.

PROCLAMATION - OCTOBER 24, 1980 - UNITED NATIONS DAY

Mayor Trantham proclaimed October 24, 1980 as United Nations Day.

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Wilkes, the meeting adjourned at 4:45 p. m.


MAYOR


CITY CLERK

CITY OF ASHEVILLE
COMPARISON OF TAX COST

<u>PROPERTY</u>	<u>1973</u>		<u>1974</u>		<u>1979</u>	
	<u>ACTUAL TAXES PAID</u>		<u>ACTUAL TAXES PAID</u>	<u>TAXES IF NOT ANNEXED</u>	<u>ACTUAL TAXES PAID</u>	<u>TAXES IF NOT ANNEXED</u>
Ballard Appliance & Cabinet Site 7-52-366	\$ 542.25		\$1,305.23	\$ 688.20	\$1,876.68	\$ 959.20
Wagg Inn Kennel (Rental) 7-52-364	379.62		948.17	499.94	1,635.03	835.68
Offices (Rental) 7-52-365	34.16		318.12	167.73	1,370.61	700.53
Taylor Rental Company 7-52-353	n/a (1)		n/a (1)	n/a (1)	1,336.68	698.05
Ballard Appliance & Cabinet Business Return	<u>1,493.40</u>		<u>1,952.13(2)</u>	<u>1,952.13</u>	<u>7,213.73</u>	<u>3,687.70</u>
	<u>\$2,449.43</u>		<u>\$4,523.65</u>	<u>\$3,308.00</u>	<u>\$13,432.73</u>	<u>\$6,881.16</u>

(1) Did not own

(2) Property not listed as in City - No City taxes paid.

ORDINANCE NO. 1190 - AN ORDINANCE AMENDING SECTION 236 OF THE 1945 CODE OF ORDINANCES RELATING TO REPORTS REQUIRED FROM OUTSIDE ORGANIZATIONS RECEIVING FUNDS FROM THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 1190, an ordinance amending Section 236 of the 1945 Code of Ordinances relating to reports required from outside organizations receiving funds from the City of Asheville.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1190 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1190. This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1190 passed on third and final reading.

Complete text of Ordinance No. 1190 will be found in Ordinance Book No. 9 at page 173.

RESOLUTION NO. 80-201 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CHANGE ORDERS NUMBERS 1 AND 2 WITH WARREN BROTHERS CONTRACTING COMPANY AND CHANGE ORDER NUMBER 2 WITH WALKER AND WHITESIDE, INC. FOR THE PROJECT KNOWN AS RUNWAY AND TAXIWAY EXTENSION AT THE ASHEVILLE AIRPORT

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Orders Numbers 1 and 2 with Warren Brothers Contracting Company and Change Order No. 2 with Walker and Whiteside, Inc. for the project known as Runway and Taxiway Extension at the Asheville Airport.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-201 was unanimously adopted.

Complete text of Resolution No. 80-201 will be found in Resolution Book No. 12 at page 228.

RESOLUTION NO. 80-202 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY, KNOWN AS THE NORTHWESTERN BANK PARKING GARAGE

6. Consideration was given to a resolution authorizing the City Clerk to advertise the sale of City of Asheville property, known as the Northwestern Bank Parking Garage.

Thursday - October 23, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 16, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the October 16, 1980 meeting were approved as submitted.

PROCLAMATION - "SHARE-A-SONG WEEK" - OCTOBER 27 - 31, 1980

2. Mayor Trantham proclaimed the week of October 27 - 31, 1980 as "Share-A-Song Week."

A group of ladies from Sweet Adelines, Inc., a barbershop group, sang for members of Council in celebration of "Share-A-Song Week."

PUBLIC HEARING - BILTMORE PROFESSIONAL CENTER -GROUP DEVELOPMENT

3. A public hearing was held relative to the site plan of the proposed Biltmore Professional Center.

Mayor Trantham opened the public hearing at 4:30 p. m.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the site plan of the proposed Biltmore Professional Center to be located at the corner of Reed and Yorkshire Street and recommended approval of the plan subject to the Erosion Control Ordinance and prior to the construction of additional buildings, the developer complete the installation of the 6" water line to provide adequate fire protection.

John Wood, of Wood and Cort, Architects, for Drs. Chambers, Claibourne and Jones, Developers, answered questions from members of Council.

After discussion, Mayor Trantham closed the public hearing at 4:35 p. m.

Councilwoman Price moved to approve the site plan of the proposed Biltmore Professional Center subject to the recommendations of the Planning and Zoning Commission. This motion was seconded by Councilman Cole and carried unanimously.

Thursday - October 30, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 23, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes the minutes of the October 23, 1980 meeting were approved as submitted.

PROCLAMATION - WORLD PREMIER DAY - FILM OF PRIVATE EYES - NOVEMBER 6, 1980

2. Mayor Trantham proclaimed November 6, 1980 as World Premier Day on the showing of the film "Private Eyes" at the Terrace Theatre.

Mr. Walter Thomas and Mr. William Cecil made comments relative to the motion picture "PRIVATE EYES" being filmed at the Biltmore House on the Biltmore Estate. Mr. Thomas said when the showing of the film is complete a print of the Private Eyes film will be presented to the City of Asheville.

PUBLIC HEARING - CLOSING OF A PORTION OF EAST RIVERVIEW DRIVE -THOMPSON STREET

3. A public hearing was held relative to the closing of a portion of East Riverview Drive, also known as Thompson Street.

Mayor Trantham opened the public hearing at 4:23 p. m.

The City Manager presented the notice to the public stating the time and date for the public hearing and the affidavit of publication.

William F. Wolcott, Jr., Associate City Manager, said the Water Department and the Public Works Department has reservations about the closing of the street. He suggested that the public hearing be continued without further advertisement until some alternatives could be worked out with the property owner. He said it was his understanding that the property owner wanted to close the street for security of his business. He said he felt some alternatives could be worked out whereby the street would not have to be closed.

Steve Kropelnicki, Attorney for the petitioner, said his client agrees that an alternative could be worked out and would not object to the public hearing being continued.

Councilman Cole moved to continue the public hearing without further advertisement. This motion was seconded by Councilman Boland and carried unanimously.

The City Manager read the resolution and said an offer to purchase the fee simple title to the property has been received from the Northwestern Bank for a total purchase price of \$50,000 cash plus the assumption of a deed of trust from the City of Asheville to Joe H. Pearson, Trustee, duly recorded in said Register's Office on May 18, 1964 and subject to all leases and conditions of record. He said the offer was accompanied by a check in the amount of \$5,000 payable to the City of Asheville. He said pursuant to North Carolina General Statutes 160A-269 the offer must be advertised.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-202 was unanimously adopted.

Complete text of Resolution No. 80-202 will be found in Resolution Book No. 12 at page 229.

PETITION - STREET NAME CHANGE - STREET OFF TUNNEL ROAD - KENILWORTH KNOLL

The City Manager received a petition from residents requesting that the street that meets Tunnel Road opposite Kenilworth Road, parallels Lums and Connie's Fashions Building, turns right at Asheville Circuit Courts and ends at the New Asheville Terrace Apartments, be named "Kenilworth Knoll."

The City Manager said the request would be investigated.

CLAIMS - LILLIE MAE SIMKINS

The City Manager presented a claim received from Lillie Mae Simkins.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - ASHEVILLE SYMPHONY WEEK - OCTOBER 25 - 31, 1980

Mayor Trantham proclaimed the week of October 25 - 31, 1980 as Asheville Symphony Week.

PROCLAMATION - PHYSICAL FITNESS DAY - OCTOBER 25, 1980

Mayor Trantham proclaimed Saturday, October 25, 1980 as Physical Fitness Day.

PROCLAMATION - OCTOBER 31, 1980 - UNICEF DAY

Mayor Trantham proclaimed October 31, 1980 as Unicef Day.

RALPH BISHOP - COMMENTS RELATIVE TO POLICE DEPARTMENT

Ralph Bishop made comments relative to a questionnaire put out by the Asheville Police Department.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the meeting adjourned at 4:50 p. m.

Mayor Trantham
MAYOR

William J. Hecox
CITY CLERK

Mr. Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the location of the lots to be sold. He said the redevelopers propose to construct single family dwellings on the lots.

Councilman Wilkes moved to approve the sale of the disposal parcels as tentatively accepted by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - WATER MAJOR CAPITAL IMPROVEMENTS FUNDS BUDGET - FRENCH BROAD RIVER 24-INCH WATER LINE PROJECT

6. Consideration was given to a budget amendment amending the Water Major Capital Improvements Fund Budget.

The City Manager presented the budget amendment in the amount of \$68,750 to properly record a North Carolina Department of Human Resources State Clean Water Bond grant for the French Broad River 24-inch water line project.

Councilwoman Price moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-203 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SIGN A LEASE AGREEMENT FOR USE OF THE ASHEVILLE CIVIC CENTER FOR THE 1981 SOUTHERN REGIONAL RECREATION AND PARKS CONFERENCE

7. Consideration was given to a resolution authorizing the Director of Parks and Recreation to sign a lease agreement for use of the Asheville Civic Center for the 1981 Southern Regional Recreation and Parks Conference.

The City Manager read the resolution explaining that the City of Asheville will be hosting the 1981 Southern Regional Conference of the National Recreation and Park Association April 5 - 7, 1981. The annual conference is expected to bring 800 delegates, from ten southern states into Asheville. Arrangements have been made through the Asheville Area Chamber of Commerce to have the area hotels to provide a room rebate arrangement to pay the \$3,000 base rental charge for the Civic Center for the headquarters for the conference. This resolution will authorize the Director of Parks and Recreation to sign the lease agreement for the Civic Center.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 80-203 was unanimously adopted.

Complete text of Resolution No. 80-203 will be found in Resolution Book No. 12 at page 230.

RESOLUTION NO. 80-204 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COUNCIL ON AGING FOR TRANSPORTATION SERVICES FOR THE ELDERLY

8. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 1172 - FLOODPLAIN ORDINANCE

ORDINANCE NO. 1191 - AN ORDINANCE AMENDING ORDINANCE NO. 1172, KNOWN AS "AN ORDINANCE ESTABLISHING FLOODPLAIN REGULATIONS FOR THE CITY OF ASHEVILLE, NORTH CAROLINA"

4. A public hearing was held relative to amending Ordinance No. 1172, known as "AN ORDINANCE ESTABLISHING FLOODPLAIN REGULATIONS FOR THE CITY OF ASHEVILLE."

Mayor Trantham opened the public hearing at 4:27 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning said after several discussions with the city staff relative to the length of time required to transfer the flood datum to the zoning maps he recommended that the ordinance be amended to make the official boundaries of the Flood Hazard Area of the City of Asheville and its zoning jurisdiction those delineated on Flood Boundary and Floodway Maps as provided by the Federal Insurance Administration and the boundaries of the Flood Hazard District shall be determined by scientific and engineering studies prepared by the Federal Insurance Administration.

Mayor Trantham closed the public hearing at 4:28 p. m.

Verl Emrick, Planning Director, read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1191. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1191 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1191. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1191 passed on second reading.

Upon inquiry of Councilman Boland, the City Manager said he was still working with TVA relative to the culverts and storm drains in the Floodway area. He said TVA said they could help with consultant services on repairing the culverts but could not help with the funding.

APPROVAL OF SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

5. The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
104	Residential	\$2,000	\$2,010	Mr. & Mrs. Leonard Jones
173	Residential	\$1,900	\$2,000	Mr. & Mrs. Roosevelt Broadwater

Councilwoman Price moved to schedule a public hearing on an ordinance creating the Montford Historic District for December 4, 1980. This motion was seconded by Councilman Cole and carried unanimously.

MR. REX BALLARD - COMMENTS RELATIVE TO ANNEXATION VS. TAXES

Mr. Rex Ballard appeared before Council in rebuttal to a report made by the City Manager on October 16, 1980 relative to a sign Mr. Ballard placed on his property on Hendersonville Road containing statements in opposition to annexation. He said his main purpose for the sign was to voice his feelings that citizens of particular areas should have the right to vote on whether to be annexed into the City. He said Council should not be allowed to pick areas for annexation.

This issue was discussed in detail between Mr. Ballard and members of Council.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop made comments relative to lottery sales in Asheville.

ADJOURNMENT

There being no further business, Mayor Trantham adjourned the meeting at 5:30 p. m.

Ray M. Tanner
MAYOR

MAYOR

William F. Mallett
CITY CLERK

CITY CLERK

The City Manager read the resolution explaining that the City is currently providing transportation services to elderly residents to William C. Reid Memorial Recreation Center and the Senior Opportunity Center for purposes of a hot meal and recreation programs daily. The Buncombe County Council on Aging has provided direct assistance through the Older Americans Act to provide assistance through transportation programs. The Buncombe County Council on Aging will reimburse the Parks and Recreation Department \$.55 per mile for furnishing the transportation services.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 80-204 was unanimously adopted.

Complete text of Resolution No. 80-204 will be found in Resolution Book No. 12 at page 231.

RESOLUTION NO. 80-205 - RESOLUTION PROCLAIMING THE MONTH OF NOVEMBER AS CRIME AGAINST THE ELDERLY PREVENTION MONTH

9. Consideration was given to a resolution proclaiming the month of November as Crime Against the Elderly Prevention Month.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-205 was unanimously adopted.

Complete text of Resolution No. 80-205 will be found in Resolution Book No. 12 at page 232.

CLAIMS - ROBERT YODER - ERNEST WATKINS - S. E. JENKINS

The City Manager presented claims received from Robert Yoder, Ernest Watkins, and S. E. Jenkins.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - WATER CONSERVATION WEEK - OCTOBER 26 - NOVEMBER 1

Mayor Trantham proclaimed the week of October 26 - November 1 as Water Conservation Week.

PROCLAMATION - NOVEMBER AS EPILEPSY MONTH IN ASHEVILLE

Mayor Trantham proclaimed the month of November as "Epilepsy Month in Asheville."

PUBLIC HEARING SCHEDULED - CREATION OF THE MONTFORD HISTORIC DISTRICT

The City Manager read a letter, addressed to Mayor Trantham, from the Historic Montford, Inc. and Montford Community Club requesting that Council adopt a proposed ordinance creating the Montford Historic District.

3. Consideration was given to the third and final reading of Ordinance No. 1191, an ordinance amending Ordinance No. 1172, known as "An Ordinance Establishing Floodplain Regulations for the City of Asheville, North Carolina."

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Boland relative to possible sources of funds to alter the floodplain maps, City Manager Michalove said that the City is always looking for new federal grants and at this time, none are available.

On a roll call vote of 7-0, Ordinance No. 1191 was passed on its third and final reading.

Complete text of Ordinance No. 1191 will be found in Ordinance Book No. 9 at page 174.

ORDINANCE NO. 1192 - AN ORDINANCE TO RESCIND AND REPLACE SECTION 25-4 OF THE CODE OF ORDINANCES RELATING TO LOITERING ON PUBLIC STREETS AND SIDEWALKS OR IN PARKS AND OTHER PUBLIC AREAS

4. Consideration was given to an ordinance to rescind and replace Section 25-4 of the Asheville Code of Ordinances relating to loitering on public streets and sidewalks or in parks and other public areas.

The City Manager read the ordinance.

City Manager Michalove said that this ordinance would give police officers more flexibility in making arrests for prostitution and public drunkenness. He said that offenses like these have been difficult to prosecute in the past.

Mike Smith, Director of Administration, said that the punishment for loitering would be the same as that for general misdemeanor.

Councilman Boland felt that the ordinance was too vague in the definition of loitering. He also expressed concern about the rights to assembly or freedom of speech for people in Pritchard Park. Councilman Boland requested that staff research the constitutionality aspect of this ordinance further.

Councilman Brownlee felt that the arresting officer would use good judgement.

Councilman Cole felt that this ordinance would force the people who need help to go to shelters. He said that he felt this was the best law, at this time, to help solve this local problem.

Ralph Bishop spoke in opposition to this ordinance.

Councilman Wilkes felt that the ordinance leaves too much discretion to the arresting officers. He also said that the vagueness of the definition for loitering might be used detrimentally.

Thursday, November 6, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 30, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilman Cole, the minutes of the October 30, 1980 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF PORTIONS OF SOUTH FRENCH BROAD AVENUE, LIVINGSTON STREET AND BARTLETT STREET

RESOLUTION NO. 80-206 - RESOLUTION TO CLOSE PORTIONS OF SOUTH FRENCH BROAD AVENUE, LIVINGSTON STREET AND BARTLETT STREET AND CALLING A PUBLIC HEARING ON THE QUESTION

2. A public hearing was held relative to closing portions of South French Broad Avenue, Livingston Street and Bartlett Street.

Mayor Trantham opened the public hearing at 4:12 p.m.

The City Manager presented the notice to the public stating the time and date for the public hearing and the affidavit of publication.

Mr. Larry Holt, Deputy Executive Director of the Housing Authority, said that the Housing Authority is closing portions of formal ~~rights-of-way~~ not now needed. He said that the closing of these streets would not, in any way, affect the traffic pattern for the streets.

Mayor Trantham closed the public hearing at 4:15 p.m.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-206 was unanimously adopted.

Complete text of Resolution No. 80-206 will be found in Resolution Book No. 12 at page 233.

ORDINANCE NO. 1191 - AN ORDINANCE AMENDING ORDINANCE NO. 1172, KNOWN AS "AN ORDINANCE ESTABLISHING FLOODPLAIN REGULATIONS FOR THE CITY OF ASHEVILLE," NORTH CAROLINA

On a roll call vote of 7-0, Ordinance No. 1193 passed on its third and final reading.

Complete text of Ordinance No. 1193 will be found in Ordinance Book No. 9 at page 176.

RESOLUTION NO. 80-208 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH BUNCOMBE COUNTY FOR LOT 249, WARD 1, SHEET 1 OF THE TAX MAPS OF BUNCOMBE COUNTY

7. Consideration was given to a resolution authorizing the Mayor to enter into a lease agreement with Buncombe County for Lot 249, Ward 1, Sheet 1 of the Tax Maps of Buncombe County.

The City Manager read the resolution stating that the County of Buncombe is the owner of this parcel of land and that this property is needed by the City of Asheville for the purpose of providing parking. He said that the County has agreed to lease the property to the City for the sum of \$225.00 per month.

Upon inquiry of Councilwoman Price, City Manager Michalove stated that the lease is for 30 years,

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 80-208 was unanimously adopted.

City Manager Michalove stated that in the future, Council would receive copies of the lease in full to review.

Complete text of Resolution No. 80-208 will be found in Resolution Book No. 12 at page 239.

BUDGET AMENDMENT - 1980-81 ANNUAL OPERATING BUDGET OF THE CITY OF ASHEVILLE

8. Consideration was given to a budget amendment amending the 1980-81 Annual Operating Budget of the City of Asheville.

The City Manager presented the budget amendment in the amount of \$22,432.54. The purpose of this budget amendment is to allocate funds for unemployment compensation for Fiscal Year 1979-80. He said that the City pays for unemployment compensation each year based on the amount actually paid to claimants in the preceding fiscal year. He said that after this adjustment, \$174,386 would remain in the General Fund contingency budget and \$94,998 would remain in the Water and Sewer Fund contingency budget.

Councilman Cole moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 80-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JOHN J. SHORT, SR., FOR THE OPERATION OF A SNACK SHOP IN THE CITY BUILDING

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with John J. Short, Sr., for the operation of a snack shop in the City Building.

Councilman Brownlee moved for the adoption of Ordinance No. 1192. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 6-1, Ordinance No. 1192 passed on its first reading, with Councilman Boland voting no.

It was the consensus of Council to discuss this issue further at next week's work session.

RESOLUTION NO. 80-207 - RESOLUTION TO CLOSE AN UNNAMED ALLEY DESCRIBED HEREIN

5. Consideration was given to a resolution to close an unnamed alley described herein, located off Biltmore Avenue.

The City Manager read the resolution.

City Manager Michalove said that a public hearing was held relative to the closing on March 6, 1980 and it was the consensus of Council that Mr. Watson, with St. Joseph's Hospital, the Corporation Counsel and the Director of Water and Sewer Services work out a suitable agreement relative to the sewer line running over the alley proposed to be closed before the resolution to close is adopted. An agreement has been worked out relative to the sewer line between the City of Asheville and St. Joseph's Hospital.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-207 was unanimously adopted.

Complete text of Resolution No. 80-207 will be found in Resolution Book No. 12 at page 237.

ORDINANCE NO. 1193 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81

6. Consideration was given to an ordinance amending the Operating and Capital Budget for the City of Asheville for Fiscal Year 1980-81.

The City Manager read the ordinance stating that this ordinance would summarize and ratify all budget amendments approved through September 30, 1980.

Councilwoman Price moved for the adoption of Ordinance No. 1193. This motion was seconded by Councilman Wilkes.

On a roll call vote of 7-0, Ordinance No. 1193 passed on its first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1193. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1193 passed on its second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1193. This motion was seconded by Councilman Wilkes and carried unanimously.

CLAIMS - CARRIE B. BOLICK - ANNIE BEST

The City Manager presented claims received from Carrie B. Bolick and Annie Best.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - LOCK YOUR CAR WEEK - NOVEMBER 8 - 15, 1980

Mayor Trantham proclaimed the week of November 8-15, 1980 as "Lock Your Car Week."

PROCLAMATION - YOUTH APPRECIATION WEEK - SECOND WEEK IN NOVEMBER, 1980

Mayor Trantham proclaimed the second week in November, 1980, as "Youth Appreciation Week."

VICTOR HERMAN - AUTHOR

City Manager Michalove said that Mr. Victor Herman, an American citizen who spent more than half his life trapped in the Soviet Union, is going to speak at the University of North Carolina at Asheville on Friday, November 7, 1980, at Lipinsky Auditorium; Asheville School, Monday, November 10, 1980; Warren Wilson College, Monday, November 10, 1980; and Mars Hill College, Tuesday, November 11, 1980. He invited the public to attend.

RALPH BISHOP

Ralph Bishop voiced his concerns about the Police Department.

ADJOURNMENT

There being no further business, Mayor Trantham adjourned the meeting at 5:30 p.m.

Wayne Trantham
MAYOR

William F. Hance
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-209 was unanimously adopted.

Complete text of Resolution No. 80-209 will be found in Resolution Book No. 12 at page 240.

RESOLUTION NO. 80-210 - RESOLUTION OF AGREEMENT AUTHORIZING THE TEMPORARY CLOSING OF A PORTION OF EAST RIVERVIEW DRIVE SHOWN ON PLAT BOOK 10, PAGE 47, BUNCOMBE COUNTY REGISTRY

Consideration was given to a resolution of agreement authorizing the temporary closing of a portion of East Riverview Drive shown on Plat Book 10, Page 47, Buncombe County Registry (also known as Thompson Street).

The City Manager stated that this public hearing is continued from the October 30, 1980 meeting in order that some alternative could be worked out whereby the street would not have to be closed.

Mayor Trantham continued the public hearing at 5:05 p.m.

Corporation Counsel Moore read the resolution.

After discussion whether the words "closed permanently" should be included in the resolution, it was decided that item 1 in the resolution read as follows:

- "1. That the portion of East Riverview Drive, also known as Thompson Street, lying . . . be and hereby is closed, except as hereinafter set forth, to public use, pursuant to the provisions of the N.C.G.S. 160A-299;"

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-210 was unanimously adopted with the amendment added.

Complete text of Resolution No. 80-210 will be found in Resolution Book No. 12 at page 241.

ANNOUNCEMENT OF COUNCIL MEETINGS - NOVEMBER 27, 1980, DECEMBER 25, 1980 AND JANUARY 1, 1981

Councilman Wilkes moved that due to the holiday schedule there will be no City Council meetings on November 27, 1980, December 25, 1980 and January 1, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING SET - CONSIDERATION OF REZONING THE MANOR

City Manager Michalove stated that a letter was received from the Planning and Zoning Commission stating that the Commission voted four to three to recommend to City Council that the property remain as it is now zoned - Office-Institutional District.

Councilwoman Price moved to schedule a public hearing on this matter for December 4, 1980. This motion was seconded by Councilman Cole and carried unanimously.

At the request of Councilman Wilkes, Mr. Smith read the proposed revised ordinance.

Councilman Brownlee moved to amend Ordinance No. 1192 as read by Mr. Smith. This motion was seconded by Vice-Mayor Morris and carried unanimously.

Councilman Boland said he felt the revision eliminates all the reservations he had raised about freedom of association and speech.

Upon inquiry of Councilman Boland, the Corporation Counsel said the ordinance was reviewed by the District Attorney and he said he felt it was prosecutable.

Ralph Bishop spoke in opposition to the ordinance stating that he did not feel the Asheville Police Department could enforce the ordinance.

Edward C. Hay, President of the American Civil Liberties Union said he also felt the revision would eliminate some of his concerns. He said he felt there would still be problems with enforcement and he urged Council to monitor the situation closely so people will not be taken advantage of by people who want the situation downtown cleaned up.

On a roll call vote of 7-0, Ordinance No. 1192, as amended, passed on second reading.

ORDINANCE NO. 1194 - AN ORDINANCE REPEALING CHAPTER 4A ("AMBULANCES") OF THE ASHEVILLE CODE OF ORDINANCES

4. Consideration was given to an ordinance repealing Chapter 4A ("Ambulances") of the Asheville Code of Ordinances.

The Assistant City Manager read the ordinance explaining that Chapter 4A of the Code, which sets forth a number of requirements regarding the operation of ambulances, was enacted in 1965 before the State of North Carolina began regulating ambulances. He said regulations enacted by the state have since made this ordinance unnecessary since the N. C. Department of Human Resources regulates ambulances. He said the proposed ordinance would repeal Chapter 4A.

Councilman Boland moved for the adoption of Ordinance No. 1194. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1194 passed on first reading.

RESOLUTION NO. 80-212 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF THE CITY OF ASHEVILLE PROPERTY, KNOWN AS THE NORTHWESTERN BANK PARKING GARAGE

5. Consideration was given to a resolution accepting the high bid and authorizing the sale of the City of Asheville property, known as the Northwestern Bank Parking Garage.

Thursday - November 13, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: City Manager K. M. Michalove (due to illness)

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 6, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, the minutes of the November 6, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-211 - RESOLUTION OF APPRECIATION AND COMMENDATION TO JOSEPH E. JARVIS

2. Consideration was given to a resolution of appreciation and commendation to Joseph E. Jarvis, Asst. Chief of Police, who is retiring from the City of Asheville on November 14, 1980.

The Assistant City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Vice-Mayor Morris, Resolution No. 80-211 was unanimously adopted.

Complete text of Resolution No. 80-211 will be found in Resolution Book No. 12 at page 242

ORDINANCE NO. 1192 - AN ORDINANCE TO RESCIND AND REPLACE SECTION 25-4 OF THE CITY CODE OF ORDINANCE RELATING TO LOITERING ON STREETS AND SIDEWALKS

3. Consideration was given to the second reading of Ordinance No. 1192, an ordinance to rescind and replace Section 25-4 of the City Code of Ordinances relating to loitering on streets and sidewalks.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Mike Smith, Director of Administration, said during the first reading of the ordinance several members of Council expressed concerns relative to the vagueness of the definition of loitering. He said the ordinance has been rewritten for Council's consideration deleting the language about loitering, concentrating on obstruction of pedestrian and vehicular traffic.

B. Resolution No. 80-214 - Resolution authorizing the disposition of Municipal Records as scheduled.

HIGHLIGHTS: This resolution would authorize the disposition of municipal records in compliance with N.C.G.S. 121-5 and the stipulations set forth in the Municipal Records Manual. The North Carolina Department of Cultural Resources issued an approval for the disposition of these records in the Asheville Police Department.

Resolution Book No. 12 Page 245

C. Scheduling of a public hearing relative to the site plan of the proposed Cinnamon Ridge Apartment Complex to be located on Old Haw Creek Road for December 18, 1980.

HIGHLIGHTS: The Planning and Zoning Commission has recommended to the City Council that the site plan of the proposed Cinnamon Ridge Apartment Complex to be located on Old Haw Creek Road be approved, subject to certain conditions.

D. Scheduling of a public hearing relative to the rezoning of property located at 171 Hillside Street for December 11, 1980.

HIGHLIGHTS: The Planning and Zoning Commission considered the request of Mr. Ben W. West that Lot 14-14, Ward 2, Sheet 5 (located at 171 Hillside Street) be rezoned from R-3 Residential District to CH Commercial Highway District be approved.

E. Scheduling of a public hearing relative to the rezoning of Emma Air Park for January 8, 1981.

HIGHLIGHTS: On August 14, 1980, the City Council requested that the Planning and Zoning Commission study the feasibility of rezoning the Emma Air Park property for industrial development. After discussing the issues of this request, the Planning and Zoning Commission voted to recommend to City Council that Ward 12, Sheet 7, Lots 13, 17, 103, 117, and 118 be rezoned from R-5 Residential District to LI Light Industrial District.

F. Rescheduling of a public hearing relative to the Montford Historic District on December 4, 1980 from 4:00 p. m. to 3:00 p. m. in the Thomas Wolfe Auditorium in the Asheville Civic Center.

G. Rescheduling of a public hearing relative to the rezoning of the Manor property on December 4, 1980 from 4:00 p. m. to 3:00 p. m. in the Thomas Wolfe Auditorium at the Asheville Civic Center.

H. Authorizing the Planning Department to hold a public hearing on November 24, 1980 at 3:00 p. m. in the Thomas Wolfe Auditorium at the Asheville Civic Center relative to an application to the Department of Housing and Urban Development for an Urban Development Action Grant. (Downtown -Lexington Avenue)

The Assistant City Manager read the resolution explaining that the Northwestern Bank submitted the last and highest bid in the sum of \$50,000. He said the time limit for filing an upset bid has now expired.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-212 was unanimously adopted.

Complete text of Resolution No. 80-212 will be found in Resolution Book No. 12 at page 243.

BUDGET AMENDMENT - CITY OF ASHEVILLE FEDERAL CAPITAL PROJECTS FUND

6. Consideration was given to a budget amendment amending the City of Asheville Federal Capital Projects Fund.

The Assistant City Manager presented the budget amendment amending the Federal Capital Projects Fund Budget for the UMTA Capital Grant Project amendment.

Mr. Emrick, Planning Director, said this appropriation in the amount of \$11,050 is to program UMTA Capital Grant Project funds *into* the appropriate account for the Asheville Transit Authority.

Councilman Wilkes moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

7. The Assistant City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 80-213 - Resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Asheville Area Chamber of Commerce for participation in the 1981 Western North Carolina Golf Club.

HIGHLIGHTS: The Western North Carolina Association is a non-profit organization under the sponsorship of the Asheville Area Chamber of Commerce, the purpose of which is the promotion of golf in the Western North Carolina area. The Western North Carolina Golf Association each year offers for sale a Golf Club Card which allows the purchaser to play one round of weekend golf or two rounds of weekday golf at each participating course. The proceeds from the sale of the cards are channeled directly into advertising and promoting golf courses in WNC area through golf magazines and Mountain Golf Brochure. The Asheville Municipal Golf Course is operated by the City and would benefit from the promotion of play through the 1981 Golf Club Card.

The City Council will set a date for a meeting with retirees and survivors of the Policemen's Pension Plan as soon as we make our final decision about the special hardship fund.

Very truly yours,

The Asheville City Council

11h
Enclosure

Mr. Poore read the following statement:

"This letter was received November 8, 1980 by the retired Policemen and their survivors. This letter definitely proves that a majority of the City Council considers \$200.00 per month to be sufficient money for a Policemen or his widow to live on. We dare not use the language that we would like to use in expressing our feelings. We will just say that your financial offer of assistance to be most disgraceful."

"We consider this a down right insult." - He quoted several Bible scriptures.

"We note that the letter is signed, The Asheville City Council. This implies the approval of the letter by all the City Council. We cannot believe that Councilman Brownlee approves of this approach to the Pension Problem, for he well knows that he and his wife could not have a decent living if he only had his pension income, and further, we doubt if the Mayor approves of such."

Mr. Poore then read the following letter:

November 12, 1980

Mr. Robert D. Poore
23 Belmont Avenue
Asheville, North Carolina 28806

Dear Mr. Poore:

A few days ago, you received a letter from the Asheville City Council indicating that the Council was going to consider assisting retirees and survivors of City pension plans whose total monthly income from all sources is less than \$200.

The way the letter was signed and the letterhead used left the impression that Councilman Harold Brownlee took part in the decision regarding this plan.

In order to set the record straight, Councilman Brownlee has always been supportive of additional benefits to retirees and survivors. However, in voting on this, because he is a recipient of benefits, he did not vote because of a moral conflict of interest.

Very truly yours,
/s/ Roy

Roy M. Trantham
Mayor

RMT/msm

I. Scheduling of a public hearing by the Asheville City Council for December 4, 1980 at 4:00 p. m. in the Thomas Wolfe Auditorium at the Asheville Civic Center relative to the consideration of a resolution by the Asheville City Council authorizing the Mayor of the City of Asheville to submit application(s) to the Department of Housing and Urban Development for Urban Development Action Grant (UDAG) - (Downtown - Lexington Avenue)

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

CLAIMS - LOIS CASSIDY

The Assistant City Manager presented a claim received from Lois Cassidy.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

REPORT - OFFER TO PURCHASE PROPERTY IN KNOLLWOOD SUBDIVISION

The Assistant City Manager reported that an offer has been received from Arlis Queen to purchase Ward 6, Sheet 32, Lot 53 in the Knollwood Subdivision owned by the City of Asheville. He said he received a recommendation from the Engineering Department that an appraisal value be sought before the property is advertised for sale.

After discussion, Councilwoman Price authorized the City Manager to proceed with seeking appraisal values on Ward 6, Sheet 32, Lot 53. This motion was seconded by Councilman Boland and carried unanimously.

DISCUSSION RELATIVE TO THE RETIRED POLICEMEN AND THEIR SURVIVORS OF THE 1939 POLICEMEN'S PENSION AND DISABILITY FUND

Mr. Robert D. Poore, a retired Detective ~~Sergeant~~ of the Asheville Police Department, acting as a spokesman for the retired members and survivors of the 1939 Policemen's Pension and Disability Fund read the following letters which he said was a response to a meeting with the City Staff and the retirees in January 1980:

November 5, 1980

Dear

In January of 1980, a request was made that the City Council consider three proposals to adjust the pensions of retirees and survivors of the 1939 Policemen's Pension and Disability Fund. After reviewing all three of these proposals, the Council has decided to proceed with consideration of assisting retirees and survivors of City pension plans whose total monthly income from all sources is less than \$200.

Please return the enclosed form on or before November 19, 1980 to let us know if you are interested in receiving benefits from such a plan. If you indicate an interest in this, we will then follow up with a request for some additional detail information.

Mayor Trantham reiterated statements made in the letter sent to Mr. Poore relative to Councilman Brownlee's involvement with the Pension discussions. He said he felt the approach to bring the retirees and their survivors up to \$200 would at least be a start to help the retirees and their survivors.

Mr. Poore said the main objection was to report income of over \$200. He said they should not have to report all their income.

Upon inquiry of Councilman Cole, Mr. Poore agreed that the retirees and their survivors were receiving what they were promised under the Pension Act. However, this brought arguments from the retirees and Councilman Brownlee due to inflation and the cost of living increases.

A discussion was held to determine what action would be necessary for the Policemen to have Social Security benefits. Mayor Trantham concluded the discussion by stating that this matter would be investigated.

John Best, a retired Police Captain, questioned Councilman Brownlee's position of not voting on the policemen's pension problem when in fact he voted on the total city budget which included a raise for Councilmembers. He requested that the Corporation Counsel seek an Attorney General's opinion on Councilman Brownlee's voting rights.

Vice-Mayor Morris said Council was trying to begin some procedure for helping the retirees and their survivors, but Council needed the cooperation of the retirees in furnishing the information needed.

Councilman Brownlee read the following statement:

"I am a member of the Policemen's Pension and Disability Fund of the City of Asheville."

"In January of 1980, a request was made to the Asheville City Council in a meeting, with reference to looking into a request for some financial help in the matter of a raise for the retired policemen and survivors, which some of them draw very small pensions."

"After this meeting in a Pre-Council meeting of the Asheville City Council, Mayor Roy M. Trantham, appointed a committee to investigate this matter. The three Councilmembers assigned to this was Mr. Walter R. Boland, Rev. H. C. Wilkes, and Mrs. Norma T. Price."

"These three Council members met with several of the Administrative personnel of the City, on several occasions and the three Council members reported to the City Council on a couple of occasions as to their findings, I did not meet with this group in any of their meetings."

"I have requested on a number of occasions to all of the Asheville City Council for some help for this group. I have repeated many times that this group of retired policemen and survivors needed some help and that I felt that it was the responsibility of the City of Asheville to give some help to this group of citizens and city taxpayers. I have not been successful in this to date. I have known all of this group for many years,, and consider all of them my friends. I have worked with them over the years."

Mr. Poore continued his statement:

"A few weeks before the death of former Chief A. R. Sluder, a large group of the retired Policemen met at his home to discuss the pension. We decided on a plan, and pledged to take the matter to the PUBLIC if necessary. Your letter definitely proves that we have no other recourse. Therefore we shall follow through with our pledge."

"We have collected considerable data in regards to Dept. Heads, salaries, fringe benefits, etc. We find the City pays 15.28% into two Pension Funds for all City Employees, except Policemen and Firemen. The City pays 10.11% into the State Pension Fund for the Firemen, and if the City had not violated the Pension Law and had not STOLEN from the Policemen for 42 years the City would be paying only 5% for the Policemen."

"We have repeatedly been told that the City could not pay our pension if it were not for the money that the City receives from the Federal Government Revenue Sharing. Please do not attempt to deceive us, nor the PUBLIC, anymore. We know this money could have been allocated toward paying the \$724,817.00 Hospital Fund, the \$890,850.00 State Pension Fund or the \$497,210.00 Social Security Fund if the City had chosen to do so."

"Mr. Mayor, we suggest that you dissolve the Committee of three that was named to work on the Pension. Most of us feel that one member endeavored to help, but with the City Manager and his Administrative Assistant opposing, there is no hope of accomplishing anything worthwhile."

"We have been fortunate in having friends to donate money for all necessary advertising space in local papers. We shall be frank in naming those who opposed and those for us. We have no way to know, what we will accomplish, but we know this, the PUBLIC shall at last be told the TRUTH. Furthermore, we pledge to continue to fight for a better Pension."

"Lady and Gentlemen of this present Council, we can not hold you responsible for the shameful condition that this plan is in now. But we will hold you responsible if you do not do something now, better than has been offered to upgrade retirees benefits. We want you to understand that we would not take anything from any city employee who retires under better benefits or any employee who is active now, who has had his salary upgraded."

"We stand ready to accept a more humane and reasonable offer if the offer is made forthwith."

Respectfully yours,

Retired members and survivors
of the Policemen Retirement and
Disability Act of 1938

The Corporation Counsel informed Mr. Poore that Councilman Brownlee did not vote on the pension matter because he is a recipient of the benefits and it would have be a conflict of interest.

Thursday - November 20, 1980 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 13, 1980 meeting.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, the minutes of the November 13, 1980 meeting were approved as submitted.

ORDINANCE NO. 1192 - AN ORDINANCE TO RESCIND AND REPLACE SECTION 25-4 OF THE CITY CODE OF ORDINANCES RELATING TO LOITERING ON STREETS AND SIDEWALKS

2. Consideration was given to the third and final reading of Ordinance No. 1192, an ordinance to rescind and replace Section 25-4 of the City Code of Ordinances relating to loitering on streets and sidewalks.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1192 passed on third and final reading.

Complete text of Ordinance No. 1192 will be found in Ordinance Book No. 9 at page 175.

ORDINANCE NO. 1194 - AN ORDINANCE REPEALING CHAPTER 4A ("AMBULANCES") OF THE ASHEVILLE CODE OF ORDINANCES

3. Consideration was given to the second reading of Ordinance No. 1194, an ordinance repealing Chapter 4A ("Ambulances") of the Asheville Code of Ordinances.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

At the request of Councilman Wilkes, the City Manager explained that Chapter 4A of the Code, which sets forth a number of requirements regarding the operation of ambulances, was enacted in 1965 before the State of North Carolina began regulating ambulances. He said regulations enacted by the State have since made this ordinance unnecessary since the N. C. Department of Human Resources regulates ambulances. He said the proposed ordinance would repeal Chapter 4A.

On a roll call vote of 7-0, Ordinance No. 1194 passed on second reading.

Vice Mayor Morris moved to suspend the rules and proceed to the third reading of Ordinance No. 1194. This motion was seconded by Councilwoman Price

"On August 22, 1980, a letter was mailed to all of the retired policemen and survivors, asking questions with reference to their total monthly income and the letter was signed by a typewriter with the names of the three Council members assigned to this committee. I did not approve of this letter in any way and I told all of the Council members how I felt regarding this matter on several occasions."

"On November 5, 1980, another letter was mailed to all retired policemen and survivors with reference to what could not be done. This letter was also signed with a typewriter from the Asheville City Council, which I am a certified member of the City Council and I did not approve of this letter and the way it was signed. I became very angry when I received this letter and made a number of telephone calls and also received a great number of telephone calls with reference to this matter."

"I have tried very hard to help my friends, the retired policemen and survivors in this matter, and will keep trying as long as I am on the Asheville City Council."

As you might know, I am a retired Policeman, therefore, I could not vote in this matter as it would be a conflict of interest for me to do so. I received this advice from the Corporation Counsel and several of my attorney friends."

It was the consensus of Council that bringing up those pensioners that receive under \$200 to \$200 would at least be a start in helping the retired policemen and their survivors.

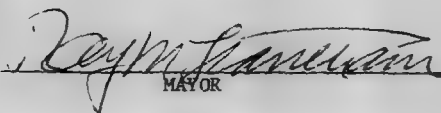
It was also the consensus of Council that a meeting be held next week to discuss this issue and decide how much money would be needed to help the retirees and their survivors.

RALPH BISHOP - ENFORCEMENT OF CITY LAWS

Ralph Bishop made comments relative to the lack of enforcement of city laws.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Cole, the meeting adjourned at 6:00 p. m.


MAYOR


CITY CLERK

C. Approval of bids received November 17, 1980 for 500 Meter Box Covers - Rims and Lids.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of low bidder, Southeastern Distributors, Franklin, N. C. in the amount of \$10,475. Funding for this contract is sufficient in the Water and Sewer Operation Appropriations - Inventory Account Code 30-140.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was approved unanimously.

REPORT REQUESTED - 22 NORMANDY ROAD DEMOLITION - COUNCILWOMAN PRICE

Councilwoman Price moved that a report be given to the City Council on December 11, 1980 by the Director of Inspections relative to an ordinance to demolish the dwelling at 22 Normandy Road and that the owners of this property be notified of this request. This motion was seconded by Councilman Boland and carried unanimously.

REQUEST TO RESCHEDULE PUBLIC HEARING RELATIVE TO THE REZONING OF EMMA AIR PARK

The City Manager said the petitioners had requested that the public hearing relative to rezoning Emma Air Park be rescheduled from January 8, 1981, 4:00 P.M. to December 11, 1980 at 4:00 P.M. (Ward 12, Sheet 7, Lots 13, 17, 103, 117, and 118 be rezoned from R-5 Residential District to LI Light Industrial District.)

Councilman Boland moved to reschedule the public hearing on rezoning of Emma Air Park to December 11, 1980 at 4:00 P.M. This motion was seconded by Councilwoman Price and carried unanimously.

PROCLAMATION - FAMILY WEEK - NOVEMBER 23-29, 1980

Mayor Trantham proclaimed the week of November 23-29, 1980 as Family Week.

PROCLAMATION - PARENTS WITHOUT PARTNERS WEEK - NOVEMBER 23-29, 1980

Mayor Trantham proclaimed the week of November 23-29, 1980 as Parents without Partners Week.

PROCLAMATION - BIBLE WEEK - NOVEMBER 23-29, 1980

Mayor Trantham proclaimed the week of November 23-29, 1980 as Bible Week.

CLAIMS - BARBARA TAUBER - MRS. JAMES FERGUSON

The City Manager presented claims received from Barbara Tauber and Mrs. James Ferguson.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - CORRUPTION

Ralph Bishop made comments relative to corruption in the Police Department.

ADJOURNMENT

Council adjourned at 4:30 P.M.

Raym. Trantham
MAYOR

William J. Holcomb
CITY CLERK

and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1194 passed on third and final reading.

Complete text of Ordinance No. 1194 will be found in Ordinance Book No. 9 at page 177.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

4. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$12,000 amending the Community Development Fund Budget to provide additional funds to cover contract bid price for the Eagle Street Improvement/UDAG project.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

A. Resolution No. 80-215 - Resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the North Carolina Department of Transportation for the purpose of performing inventory, inspection, and analysis of public bridges on the Municipal Street System.

HIGHLIGHTS: The City of Asheville has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inventory, inspection and analysis of all public bridges on the Municipal Street System in the City of Asheville, except the Chestnut Street Viaduct, for which the City has already retained a consulting firm to perform the necessary inventory and inspection reports in accordance with the National Bridge Inspection Standards. The City of Asheville proposes to enter into an agreement with the North Carolina Department of Transportation for said work. Under the agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations.

Resolution Book No. 12, Page 247.

B. Resolution No. 80-216 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company, Inc. for the project known as Eagle Street Improvements.

HIGHLIGHTS: On Wednesday, November 5, 1980 bids were opened on the Eagle Street Improvements Project. Hobson Construction Company, Inc. is the apparent low bidder for this contract in the amount of \$79,325.50. This project will be funded under 65-50-899-5.

Resolution Book No. 12, Page 248.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Montford Historic District is being established as a "Local Historic District" under the existing state statutes. He said the district will be constructed as Article 12 of the Zoning Ordinance and will provide for architectural review and controls within the district which are designed to encourage restoration and preservation of the Montford area. He said the Montford area contains a sizable district which is registered in the National Register for Historical areas. He said the area contains several zoning districts, predominantly residential. He said the creation of the Historical District will not change the zoning districts. He said current uses of the property not allowed in the Historical District will be allowed to continue under the grandfather clause.

Upon inquiry of Council, Mr. Emrick said construction could take place on vacant lots in the area, however, approval would be required from the Historical Resources Commission by the issuance of a Certificate of Appropriateness. He said the approval would require an architectural review of the proposed construction.

Mr. Emrick said over 400 copies of the proposed ordinance were distributed in the area in the last two weeks to homeowners on a door-to-door basis.

Mr. Richard Thornton, of the Planning Staff, said he had contacted several cities in North Carolina who have already created historical districts to determine the impact the historical districts have on the community. Those cities included Charlotte, Raleigh, Wilmington, Chapel Hill and Tarboro. He said he received very positive comments toward the creation of historical districts. He said the major effect was the increase in the tax base. He said an architectural review board will be established to regulate the ordinance. He said a suggestion had been received that regulations be general instead of technical. He said the creation of the historical district would provide a mechanism for maintaining the integrity of the area.

Michael Southern of the Western Division of the Department of Archives and History spoke in support of the ordinance. He said the Montford area is one of the unique areas in North Carolina. He said his office has been involved with the area since 1966 and a large portion of the area is now on the National Register for Historic Places.

Helen Gray, a property owner in the area, requested that the first block on Montford Avenue be excluded from the ordinance. She said this block consists of commercial uses and has the potential for a large motel/hotel convention center which would not be allowed under the proposed ordinance since the ordinance prohibits the construction of buildings over three (3) stories.

Mr. Emrick noted that the first block referred to by Mrs. Gray is the entry point to the Montford area. He said some type of architectural integrity should be maintained. He said provisions are made in the proposed ordinance for an appeal process through the Board of Adjustments. He said this Board has the authority to grant a variance from the ordinance such as the three (3) story height limitation.

Thursday - December 4, 1980 - 3:00 p. m.
Thomas Wolfe Auditorium - Asheville Civic Center

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 20, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the December 4, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-217 - RESOLUTION OF INTENT TO EXECUTE A CITY-COUNTY WATER AGREEMENT

2. Consideration was given to a resolution of intent to execute a City-County Water Agreement.

The City Manager read the resolution. The Board of County Commissioners and the City Council substantially agreed to the terms of an agreement for water and other service responsibilities. This resolution expresses the City Council's intent to proceed with the agreement subject to the approval of the final legal document by the bond attorneys, the County Commissioners, the City Council and a review by the Local Government Commission.

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, Resolution No. 80-217 was unanimously adopted.

Complete text of Resolution No. 80-217 will be found in Resolution Book No. 12 at page 249.

PUBLIC HEARING - AMENDING ZONING ORDINANCE TO INCLUDE "THE MONTFORD HISTORIC DISTRICT"

ORDINANCE NO. 1195 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

3. A public hearing was held relative to amending the Zoning Ordinance, by including an Article 12 to be known as "The Montford Historic District."

Mayor Trantham opened the public hearing at 3:15 p. m.

Mayor Trantham said the ground rules for conducting the public hearing will be that a main spokesman both for the opponents and proponents shall be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. Those wishing to speak against the issue will be called on first then those wishing to speak for the issue will be called on. He asked that the speakers not repeat what someone else ~~had~~ already said.

Mayor Trantham said the ground rules for conducting the public hearing will be that a main spokesman both for the opponents and proponents shall be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. Those wishing to speak against the issue will be called on first then those wishing to speak for the issue will be called on. He asked that the speakers not repeat what someone else had already said.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, in giving the background of the rezoning of the Manor property said on November 9, 1977 the Asheville Planning and Zoning Commission considered a request to rezone the property from R-2 and R-3 Residential District to OI- Office Institutional District. Following a discussion of the issues of the request the Commission voted to deny the rezoning petition. Reason for denial was "The rezoning is not in keeping with the neighborhood nor the zoning plan of 1975." On March 1, 1978, this decision was reaffirmed by the Planning and Zoning Commission. The rezoning was taken to Court and on November 16, 1978 a consent judgement overturned the residential zoning classification - therefore the property was zoned OI - Office Institutional District. City Council Resolution No. 80-197 adopted on October 9, 1980 directed the Planning and Zoning Commission to convene to discuss and make a recommendation relative to rezoning Lot 98, Sheet 15, Ward 2 from OI - Office Institutional District to R-2 Low Density Residential District and Lot 100, Sheet 15, Ward 2, from OI Office Institutional to R-3 Medium Density Residential District. At the November 5, 1980 Planning and Zoning Commission meeting, after hearing comments from the public and considerable discussion, the Commission voted four to three to recommend to City Council that the property remain as it is now zoned - Office Institutional District. In addition, the Commission voted that the staff be instructed to proceed with exploration and make recommendations back to the Commission as to proper procedures for creating areas as special historic districts for zoning and with recommendations as to uses.

Mr. Emrick said Council has several alternatives in the Manor rezoning. He said Council could rezone the property to R-2 and R-3 Residential Districts or leave the property zoned OI - Office Institutional. He said whatever decision Council made relative to the zoning they could also pursue the establishment of a "Historic Overlay Zone." He said perhaps when this special district is established the Manor property could be included. He said the procedure for establishing the special use district would be the same as any zoning amendment. He said another zoning district, "Historic Overlay Zone," could be created for properties designated by the National Historic Register, which would specify certain allowable uses for these historic structures that would not normally be allowed in a residential area. He said this would allow the Council to approve projects on a case-by-case basis.

Mr. Emrick said since the Planning and Zoning Commission meeting several petitions have been filed by surrounding residents in support of the R-2 and R-3 Residential District zoning. He said the petitions contain approximately 175-200 names.

Mr. Emrick said at the request of the City Manager, the Traffic Engineer Paul Dutcher, conducted a traffic flow analysis in the area which revealed an increase in traffic during peak hours which also showed hazardous conditions for the current uses in the area. He said the roads would need widening and new signalization installed for additional businesses.

Bob Orr of the Asheville-Buncombe County Historical Resources Commission, encouraged the enactment of the proposed ordinance without amendments. He said the ordinance has been supported by the Asheville-Buncombe County Historic Resources Commission, the Montford Community Club, Historic Montford Association, and the Preservation Society of Asheville and Buncombe County. He said the architectural control in the district should be administered in a reasonable manner.

The following individuals spoke in support of the proposed ordinance:

Mary Joe Bresney	- member of the Historic Preservation Society
Donna Hogan	- Cumberland Avenue
Bruce Roberts	- Montford Avenue
Bill Anderson	-
Frank Cox	- member of Asheville-Buncombe County Historic Resources Commission
Don Osborne	-
Lois Dayton	- member of Historic Preservation Society Historic Montford Association.

Mr. Emrick noted that this ordinance is not a tool to force a property owner to do anything. He said it does not force a property owner to rehabilitate his/her house or to sell their house when in fact they desire demolition.

J. E. Johnson, Director of Inspections, noted that the proposed ordinance does not change the local housing or building code regulations. He said the codes will be enforced as they have in the past.

Mayor Trantham closed the public hearing at 4:15 p. m.

Mr. Emrick read the proposed ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1195. This motion was seconded by Councilman Boland.

Councilman Wilkes said he had reservations about the adoption of the ordinance. He said he did not feel controls should be placed on people and their property.

Vice-Mayor Morris said he felt the restriction relative to the three (3) story height limitation should receive further consideration.

On a roll call vote of 6-1, Ordinance No. 1195 passed on first reading with Councilman Brownlee voting "no."

Several members of Council expressed concerns that the ordinance needs further discussion by Council.

PUBLIC HEARING - REZONING THE MANOR PROPERTY

ORDINANCE NO. 1196 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED
(Ward 2, Sheet 15, Lot 98 - from OI to R-2) (Ward 2, Sheet 15, Lot 100, from OI to R-3)

4. A public hearing was held relative to the rezoning of the Manor property.

Mayor Trantham opened the public hearing at 4:43 p. m.

The following individuals spoke in support of the rezoning of the Manor property to R-2 and R-3 Residential Districts:

David Page
 Jack Westall, representing Mrs. Stewart Talbert
 Dr. Wayne Montgomery
 resident of 53 Macon Avenue
 Rick Johnson
 Alice Powell
 Arlene Schandler

R. L. Bailey, owner of the Manor Inn, Bill Parker, and Kenneth Stanridge spoke in opposition to the rezoning of the property to residential.

It was the feeling of Council that the residents of the area were not opposed to the creation of a Historical Overlay Zone for the Manor property.

Mayer Trantham closed the public hearing at 6:15 p. m.

It was noted that there is a need to protect the investments both of the surrounding residents as well as the owner of the Manor Inn.

Upon inquiry of Council, Mr. Emrick said he would try to have a report made to the Planning and Zoning Commission relative to the creation of a Historical Overlay Zone at the January, 1981 meeting.

Upon inquiry of Councilman Cole, Corporation Counsel said he did not feel it would be a conflict of interest for him to vote on the issue just because he owns property at 73 Evelyn Place which is in the surrounding neighborhood.

Mr. Emrick read the proposed ordinance rezoning the property to R-2 and R-3 Residential District.

Councilwoman Price moved for the adoption of Ordinance No. 1196. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1196 passed on first reading.

It was the consensus of Council that the Planning Staff proceed with the exploration and recommendations relative to the creation of a Historic Overlay Zone for the Manor property.

PUBLIC HEARING - APPLICATION TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR URBAN DEVELOPMENT ACTION GRANT (UDAG) (Downtown-Lexington Avenue)

RESOLUTION NO. 80-218 - RESOLUTION AUTHORIZING THE PREPARATION OF APPLICATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THROUGH THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

5. A public hearing was held relative to the consideration of a resolution by the Asheville City Council authorizing the Mayor of the City of Asheville to submit applications to the Department of Housing and Urban Development for Urban Development Action Grant (UDAG) (Downtown - Lexington Avenue Proposals)

Attorney John Powell, representing Mr. R. L. Bailey, the owner of the Manor, spoke in opposition to the proposed ordinance to rezone the property R-2 and R-3 Residential Districts. He gave a brief history of the Manor. He said the Office Institutional District was developed to serve as a buffer zone between the contiguous Commercial General zone and the residential zone. He said the Manor is a commercial entity. He asked that Council support the recommendation of the Planning and Zoning Commission to leave the property OI - Office Institutional District and to study the creation of the Historic Overlay Zone.

Mr. Powell said the Manor Inn can not continue to exist with a residential zoning classification and is certainly worthy of preservation.

Councilwoman Price expressed concerns that the Manor Inn is for sale and if the property is sold and its zone is Office Institutional, a new owner could allow businesses which would not be conducive to the predominately residential surrounding area. She said this could occur in the time period that Council is considering establishing a Historic Overlay Zone.

Bill Thomas, founder and owner of the Manor Inn Dinner Theatre, spoke in opposition to rezoning the property residential. He said the Planning Department also received correspondence, since the Planning and Zoning Commission meeting, in favor of retaining the Office Institutional District. He said he understood that if Council rezones the property to residential the current businesses in the Manor would be permitted to stay under the "grandfather clause," however he would feel more comfortable with an Office Institutional Zoning District. He urged Council to support the recommendation of the Planning and Zoning Commission.

The following individuals now spoke in opposition to rezoning the Manor property to a residential classification:

Dr. Emanuel Robinson
Bud Taylor, Sumner and Foster Realty Company
Marie Willoby - Manor Inn resident

Mr. Mack Day, President of the Grove Park Sunset Citizens Association, spoke in favor of rezoning the property to R-2 and R-3 Residential. He read a prepared statement to this affect. He said the residents would like to preserve the integrity of the residential area. He said they did not object to the current businesses now in the Manor but were afraid of new and different businesses which are allowable in the Office Institutional District. He said the residents need a sense of security in a residential classification. He said he felt the Office Institutional zoning is a start for creeping encroachment on a residential area.

Dr. Alan Kreuger, 21 Oak Lane, of the Grove Park Sunset Citizens Association, also spoke in favor of rezoning the property to residential. He said the residents were not informed of the consent judgement to zone the property Office Institutional for two (2) years. He said property owners purchased property anticipating residential zoning. He said traffic has increased due to the business operations in the Manor. He said the present businesses in the Manor are not the real issue but Council should take a close look at the intent of the owner. He urged Council to rezone the property to the R-2 and R-3 Residential District.

Mr. Emrick said the UDAG application process is a long and complicated one and the Planning Staff is not prepared to make any recommendations. He said Council would hold another public hearing to consider an application to the Department of Housing and Urban Development.

The City Manager read the resolution.

The City Manager read a statement expressing that he did not want to appear to be negative about anything that appears to be progress. He said he realized that some major type developments have vast influence outside project areas. He said in times of high inflation, with an 18-1/2% prime interest rate, the City Government must move into high cost projects very cautiously. He said he has the responsibility, as City Manager, to closely examine projects that would not hold the City harmless from projects that may not be completed on a timely basis and that don't have a benefit for both the developer and the City or are entered into at the expense of providing service to all areas of the City.

He reminded Council that the City is using approximately \$2 million in savings to balance the City Budget this year. He said the City is using approximately \$800,000 of Revenue Sharing funds for the police pension and over \$1 million for basic equipment. He said that a one-cent (1c) tax increase raises approximately \$70,000 in revenues. He reminded Council of one recent project the City was not suppose to have cost involvement but the developer came to the City and County for a \$55,000 appropriation, on a \$2 million dollar project, for basic water, sewer and road systems. He also reminded them of a \$5 million dollar project whereby the City and County agreed to an approximate \$600,000 appropriation in public improvements, however, due to inflation that appropriation had to be increased by over \$200,000 because the City did not fully detail all the responsibilities of all involved parties.

He said since the deadline date for submitting applications to the Department of Housing and Urban Development for UDAG funding is fast approaching, it will be necessary for Council, in the near future, to make a decision relative to the proposals. He said he felt it is necessary for the City to obtain outside help to conduct a study of "hidden costs" to the City in the present proposals which are under consideration for grant funding. He requested a motion from Council to permit him to proceed with contacting one or more of the top eight (8) nationally recognized accounting firms to evaluate the financial responsibilities of the City and developer as it pertains to these downtown projects. He said the purpose would not be to evaluate whether or not these ideas are good or bad but whether they are financially sound for the City. He said while obvious tax base increases can be shown, all the actual and potential costs to the City are not known. He said at this point the City does not know where the developers expect the City to pick up costs such as additional road improvements, right-of-way costs, police protection, etc., which would be involved with the completion of the projects.

He said after he contacts the accounting firms he would come back to Council to request an appropriation and approval to enter into an agreement with the selected firm.

After a discussion by Council members, which included concerns that such a study should cover mechanisms available to hold the City harmless, the need for performance bonds in case of overruns, and the inclusion of an inflation clause, Councilwoman Price moved to authorize the City Manager to proceed with contacting one or more of the top eight (8) nationally recognized accounting firms to evaluate the financial responsibilities of the City and proposed developers as it pertains to these projects to determine whether they are financially sound for the City. This motion was seconded by Councilman Boland and carried unanimously.

Mayor Trantham opened the public hearing at 6:33 p. m.

Mayor Trantham said the ground rules for conducting the public hearing will be that a main spokesman for each proposal will be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. He asked that the speakers not repeat what someone else had already said.

Mayor Trantham said no action would be taken at this public hearing relative to supporting one proposal over another.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this public hearing is for the purpose of reviewing projects received at the November 24, 1980 meeting held by the Community Development and Planning Departments for the preparation of an Urban Development Action Grant application. He said developers submitting proposals for UDAG funds were John Lantzius; Bill Taylor for the Sunworks Company; Strouse-Greenberg Company, presented by Joe Lowrance; Vanguard, Inc., presented by W. Harrison Merrill.

Mr. Emrick said the only action Council would be asked to consider at this meeting would be a resolution authorizing the preparation of applications for the Department of Housing and Urban Development through the Urban Development Action Grant Program. He said this would authorize the Planning Department to contact the various developers who have presented proposals to obtain additional information sufficient to prepare an application to the Department of Housing and Urban Development for the UDAG funding. He said the resolution would not support or approve any of the proposals. He said his staff would be contacting the developers for financial and working details which he would bring back before the Council for consideration.

Mr. Emrick said the Sunworks Company presented a proposal for the rehabilitation of the Artmore building at a cost of approximately \$270,000, with a request for UDAG funding of approximately \$30,000 for a total project cost of \$300,000. This would represent a 1:9 UDAG ratio. He said this project is worthy of consideration if it is combined with a larger project. He said he did not feel it would be a viable project if considered alone. He said Jack Bryant presented a proposal to rehabilitate the Woodfin Apartment at a cost of approximately \$400,000 in private funding, approximately \$300,000 in UDAG funding, for a total project cost of \$700,000, for a 1:1.3 UDAG ratio; rehabilitation of 11 North Market Street for which no cost was submitted; the continued rehabilitation of the Hayes and Hopson Building at a cost of approximately \$100,000 in private funding, approximately \$100,000 in UDAG funding, for a total project cost of \$200,000, for a 1:1 UDAG ratio. He said Vanguard Management Company presented a proposal for building rehabilitation and streetscaping at a cost of approximately \$1,200,000 in private funding, approximately \$255,000 in UDAG funding, for a total project cost of \$1,455,000, for a 1:5 UDAG ratio. He said this project should also be considered along with another project. He said Strouse-Greenberg Company presented a proposal for the development of an Urban Service Center at a cost of approximately \$70-\$90 million in private funding, approximately \$15 - \$20 million in UDAG funding for a total project cost of \$100 - \$140 million, for a 1:6.5 UDAG ratio. He said John Lantzius presented a proposal for building rehabilitation, streetscape and off-street parking at a cost of approximately \$2.9 million in private funding, approximately \$1.8 million in UDAG funding, for a total project cost of \$4.7 million, for a 1:1.6 UDAG ratio.

The project had been announced in mid-1974; by late 1975 the property had been acquired and demolished. Ground was broken for the parking garage in August of 1976. All this was going on with a contract with the developer. The original timetable had the completion targeted for late 1976. The contract was renewed for a fourth time in September of 1976; finally, Council in October 1978 pled with the developer to renew the contract one last time, but the developer was sorry, they just couldn't do the project.

Spartanburg now has a site for development—and a parking garage they really don't need. The Council is still exploring ways to get someone to develop the site—six and a half years after this grand announcement.

I really don't think I have to belabor a conclusion from all this. Given the resurgence of our area downtown, with its assurance of increasing tax revenue, this City cannot afford even the remotest chance that it might find itself in a position similar to Spartanburg's in the future. I urge you in your deliberations about the relative merits of Strouse, Greenberg vs. Lantzius et al. to keep this sad situation in mind. Even with contracts, developers can say "I'm sorry"; and I know that there are folks in town who want these properties torn down whether or not there is a developer with a contract and good intentions. We cannot afford to risk the economic future of our City in this manner.

Thank you for your attention.

Sincerely,

Wayne Caldwell
Wayne Caldwell

A LIST OF HEADLINES FROM THE SPARTANBURG HERALD

7-12-74	SPARTANBURG STEPS TOWARD THE FUTURE WITH VISIONS OF MODERN CENTRAL CITY
3-11-75	REDEVELOPMENT PLAN PASSES
5-29-75	CITY MAKES AGREEMENTS ON SPARTAN SQUARE LAND
6-7-75	CITY BUYS LAND
8-16-75	RAZING WORK IS BID
9-16-75	DEMOLITION BEGINS
11-4-75	CONTRACT IS READY FOR PROJECT
12-21-75	URBAN RENEWAL OUTMODED, CITY PLANNING STUDY FINDS
8-3-76	GROUNDBREAKING CEREMONIES SET TODAY [for parking garage]
9-17-76	CITY'S BIG QUESTION: WHETHER TO EXTEND CONTRACT WITH SPARTAN SQUARE DEVELOPERS [for the fourth time]
9-23-76	COUNCIL VOTES TO EXTEND CONTRACT
4-26-78	CONSTRUCTION OF SPARTAN SQUARE TO BEGIN BY MIDSUMMER
7-1-78	CITY RECEIVES FINAL PLANS FOR SPARTAN SQUARE
9-15-78	CITY OFFICIALS STILL OPTIMISTIC ABOUT DEVELOPMENT
10-12-78	SPARTAN SQUARE SUPPORT PITCH 'LAST DITCH EFFORT' BY COUNCIL
11-21-78	CITY MUST LOOK FOR OTHER WAYS TO DEVELOP LAND

Jack Bryant of Brevard, one of the proposed developers said he felt the smaller projects should be considered separately. He said he had undertaken several projects in the City including 53 N. Market Street, rehabilitation of the Hayes and Hopson Building, and One Oak Plaza, which did not have any cost to the City. He said his proposal for projects requesting UDAG funding included the rehabilitation of the Woodfin Apartments, 11 North Market Street and the continuation of the rehabilitation of the Hayes and Hopson Building.

Joe Lowrance representing the Strouse-Greenberg Company, said his company believes in Asheville and would like to help keep Asheville the capital of Western North Carolina. He said he felt the proposal of the Strouse-Greenberg Company would be positive for the City. He said he was glad Council adopted the motion to authorize the City Manager to contact an accounting firm to conduct a study of hidden costs. He said he felt this administrative action would help the proposed developers as well as the City.

Bud Taylor, with Summer and Foster Realty, said he represented Mr. John Lantzus in his proposal for Phase II of the Lexington Mall. He said Mr. Lantzus's proposal would be in the best interest of the City.

Upon inquiry of Councilwoman Price, Mr. Taylor said the proposal includes a request to the City to float Revenue Bonds for Street Improvements, Off-Street Parking and Landscaping. He said the project has been delayed because of problems arranging funding due to the threat of a mall, the Strouse-Greenberg proposal.

Wayne Caldwell, with Save Downtown Asheville, read the following letter:



Save DOWNTOWN Asheville, Inc.

25 BROADWAY ASHEVILLE, N.C. 28801 252-0321

1 December 1980

Dear Mayor Trantham:

I made a trip to Spartanburg today, and I would like to share with you what I learned there. Enclosed is a list of headlines from the Spartanburg Herald from 1974-1978, which should be self-explanatory.

If you don't know the situation there, I think you should. An announcement was made by a Charlotte developer in 1974 to build a complex to be called Spartan Square on a 4.5 acre tract in downtown Spartanburg. It was to have included a civic center for sports and the arts, a 200-room hotel, an office building, a skating rink, a small retail mall, and a parking garage. From the press clippings, the City was excited, and HUD money was available, and the salvation of the central core was assured. With almost no legal trouble (one suit over the price offered for a building) and no citizen protest, the City went through the motions, as you can see. The only serious hitch was that one building fell down during the demolition process, killing five men. The problem was not with the City; it was with the developer.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-219 was unanimously adopted.

Complete text of Resolution No. 80-219 will be found in Resolution Book No. 12 at page 251.

BUDGET AMENDMENT - WATER AND SEWER SERVICES OPERATING BUDGET

7. Consideration was given to a budget amendment amending the Water and Sewer Services Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$2,500.00 to provide funding for materials necessary for updating and mapping the water system.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the budget amendment was approved as presented by the City Manager.

CLAIMS - JOYCE COUTLAKIS - EDWARD HILL

The City Manager presented claims received from Joyce Coutlakis and Edward Hill.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Boland, the meeting adjourned at 8:00 p. m.

*** (During the public hearing on the Manor rezoning a lady interrupted the hearing to express her frustrations that the public hearing relative to the UDAG applications did not begin at 4:00 p. m. as advertised in the newspaper. She said she was going to write a letter to Robert Embry, Undersecretary of HUD to express her frustrations.)


MAYOR


CITY CLERK

Chris McGrain, of Norwood Park, noted that the City has started spending city funds from the start of these projects by authorizing the City Manager to contact an accounting firm. She said she felt some of the projects are worthy of consideration because they are consistent with rehabilitation. She said she did not think the Strouse-Greenberg proposal should be included in the application for UDAG funding.

Ralph Bishop spoke in opposition to all the ~~proposals~~ stating that they would in some way cost the taxpayers of the City.

Walter Gladding of Sareva Place, and a member of the "Committee of 36" spoke in support of the Strouse-Greenberg proposal stating that this project would provide permanency to downtown.

Kathryn Long of 22 Griffing Boulevard shared articles from "Preservation News," which revealed what happened in other cities who had considered UDAG funding for such large proposals as the Strouse-Greenberg project.

Lois Day of Pearson Drive also shared articles from "Preservation News" in opposing the Strouse-Greenberg proposal.

Bob Anthony of 34 Crestwood Lane spoke in favor of the Strouse-Greenberg proposal stating that the City of Asheville needs this type of revitalization.

Lou Millen, owner of T. S. Morrison Hardware on Lexington Avenue, spoke in support of the John Lantzlius proposal.

Bob Carr of 47 Greenleaf Circle also supported the John Lantzlius proposal, ~~but opposed the Strouse-Greenberg project.~~

Mayor Trantham closed the public hearing at 7:45 p. m.

Mr. Emrick said applications for UDAG funding are received by the Department of Housing and Urban Development once each quarter. He said in order to meet the first quarter deadline of January 31, 1981 applications would have to be submitted by December 30, 1980. He said the next deadline would be February 28, 1981 for the April 30, 1981 application deadline. He said he would give Council a status report on the development of the applications next week.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-218 was unanimously adopted.

Complete text of Resolution No. 80-218 will be found in Resolution Book No. 12 at page 250.

*** (See note at end of minutes)

RESOLUTION NO. 80-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SIX ASSOCIATES, INCORPORATED

6. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Six Associates, Incorporated.

The City Manager read the resolution stating that this agreement will provide for services required to advise the City Manager and City Staff regarding modifications to the City Barn that will be caused by the widening of Valley Street by the North Carolina Department of Transportation and, if necessary, to prepare plans and specifications implementing such modifications.

After discussion, Mayor Trantham closed the public hearing at 4:20 p. m.

Mr. Emrick read the proposed ordinance rezoning the property as petitioned.

Councilwoman Price moved to adopt Ordinance No. 1197. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1197 passed on first reading.

PUBLIC HEARING - REZONING OF EMMA AIR PARK PROPERTY

ORDINANCE NO. 1198 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to rezoning the Emma Air Park property.

Mayor Trantham opened the public hearing at 4:23 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said on August 14, 1980, the City Council requested that the Planning and Zoning Commission study the feasibility of rezoning the Emma Air Park property for industrial development. After discussing the issues of this request, the Planning and Zoning Commission voted to recommend to City Council that Ward 12, Sheet 7, Lots 13, 17, 103, 117, and 118 be rezoned from R-5 Residential District to LI Light Industrial District. He said the property is presently being used for private planes, however, industrial development is planned for the property. He said no specific industry has been indicated as of yet.

Councilwoman Price noted that the Light Industrial District would not permit an industry which would produce hazardous materials. She also noted that if the development contained over 25,000 square feet, Council would have to approve the group development plan.

Vice-Mayor Morris noted that the property is zoned only because of the City's extra territorial zoning jurisdiction. He said the property is outside the City and if the City had not chosen to use their authority in the extra territorial zoning jurisdiction the property would not be zoned and any use would be allowed on the property.

Mr. Emrick said that the Water and Sewer Director indicated that water and sewer is available in the area but the developer would have to extend the water lines to the proposed site. He said if the proposed use required additional lines the water policy dictates that the developer would install the additional lines.

Thursday - December 11, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, Walter R. Boland and H. C. Wilkes, Acting Corporation Counsel Victor W. Buchanan, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 4, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the minutes of the December 4, 1980 meeting were approved as submitted.

PUBLIC HEARING - REZONING OF PROPERTY AT 171 HILLSIDE STREET

ORDINANCE NO. 1197 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to the rezoning of property located at 171 Hillside Street.

Mayor Trantham opened the public hearing at 4:13 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission considered the request of Mr. Ben W. West that Ward 2, Sheet 5, Lot 14-1/4, (located at 171 Hillside Street) be rezoned from R-3 Residential District to CH Commercial Highway District and recommended the approval of the rezoning. He said the owner proposes to convert the existing structure into an office complex. He said the lot is only 40' wide. He said due to the lot size, if for some reason the structure is demolished reconstruction on the lot would not be permitted. He said the property is adjacent to the Asheville Cleaners and Dyers Building on Merrimon Avenue. He said there are three (3) parking spaces currently available on the property, however, for parking purposes the owner could negotiate with Asheville Cleaners and Dyers in order to meet parking requirements.

Mr. Emrick said several individuals appeared at the Planning and Zoning Commission, including a representative from the Brooks-Howell Home, opposing the rezoning stating that the proposed commercial use would increase traffic and noise in the area, as well as encroach upon residential property. He said the Planning and Zoning Commission, after reviewing the request, felt that the rezoning would have no adverse effect on the community.

Verl Emrick, Planning Director, said questions were raised at the December 4, 1980 meeting relative to the height limitations proposed in the ordinance. He then read the following letter:

December 10, 1980

The Honorable Roy M. Trantham, Mayor
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mayor Trantham:

The members of the Asheville-Buncombe Historic Resources Commission have asked me to inform you of the following:

"If City Council members wish to delete that portion of the Montford Local District Ordinance referring to height limitations, the Historical Resources Commission does not object."

Attached is a portion of the proposed Montford Local Historic District Ordinance as it would read with Section 30-12-5 (2) deleted.

Thank you for your continued cooperation and good will toward the Historic Resources Commission.

Sincerely,

/s/ Richard Thornton

Richard Thornton

RT:pcd

cc: Ken Michalove, City Manager
Verl Emrick, Planning Director
Historic Resources Commission
Members

Vice-Mayor Morris moved to amend Ordinance No. 1195 by deleting Section 30-12-5(2) relative to height limitations. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 6-1, Ordinance No. 1195, as amended, passed on second reading.

ORDINANCE NO. 1196 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Ward 2, Sheet 15, Lot 98 from OI to R-2) (Ward 2, Sheet 15, Lot 100, from OI to R-3)

5. Consideration was given to the second reading of Ordinance No. 1196, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning Ward 2, Sheet 15, Lot 98 from OI to R-2 and Ward 2, Sheet 15, Lot 100 from OI to R-3, property known as the Manor property.

Mr. Emrick said valid written protests ~~have~~ been received from the surrounding property owners which would require a 3/4 affirmative vote (6 votes) of Council to approve the rezoning. He said the existing city limits is within 200 to 300 feet of the property proposed for development and he felt the North Carolina General Statutes could be complied with for annexation into the City if Council desired to annex the property in the future.

Councilman Boland said he felt the area in question is potentially industrial.

Phil Elam, Manager of the Economic Development Department of the Asheville Area Chamber of Commerce said the Chamber has been showing this property to interested industrial developers for more than ten (10) years. He said the residential zone has been a detriment in promoting this site to industrial developers. He said the property is buffered on three (3) sides with 20 to 30 feet pine trees. He said water and sewer, natural gas, and rail are available to the site. He said accessibility to the site is also good. He said the Emma Air Park property consists of approximately 40 acres however acreage adjacent to the property is available for development. He said uses in the Light Industrial District would not affect the homes in the area.

Wayne Kinser, President of Kinco Company, a small manufacturing plant adjacent to the Emma Air Park property, spoke in support of the rezoning. He said he has plans to expand his business which would employ an additional 100 people. He said his plant manufacturers energy conservation materials. He said it was his understanding that at least one of the property owners had withdrawn their protest of the rezoning.

There being no one present to speak in opposition, the Mayor closed the public hearing at 4:40 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property to LI - Light Industrial.

Councilman Wilkes moved for the adoption of Ordinance 1198. This motion was seconded by Councilman Brownlee.

On a roll call vote of 7-0, Ordinance No. 1198 passed on first reading.

ORDINANCE NO. 1195 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Establishing Article 12 of the Zoning Ordinance, the Montford Historic District)

4. Consideration of the second reading of Ordinance No. 1195, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, establishing Article 12 of the Zoning Ordinance, the Montford Historic District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Dr. Kreuger said some of the reasons that the residents feel it is imperative for Council to continue to support the R-2 and R-3 Residential zoning include the fact that: 1) the current owners of the Manor purchased the property when it was zoned R-2 and R-3 Residential District and knew that full well and purchased the property as residential; 2) On a least two different occasions the owners went before the normal zoning process to try to get the property rezoned to Office Institutional. On these occasions the Planning and Zoning Commission agreed with the property owners in the area who entered into this process, that it would not be in the best interest to rezone the property Office Institutional District; 3) The properties were then rezoned Office Institutional by a consent judgement. He said he did not understand how the consent judgement was issued. He said the consent judgement ignored the process that went on before. In addition, none of the people who were actively involved in the process were informed as to the change of the zoning to Office Institutional for two (2) years; 4) Businesses have developed within the Manor which has increased the congestion in the neighborhood. He said this was evidenced by the City's traffic pattern survey. He said with more businesses in the Manor the congestion would increase more, which is already dangerous; 5) Documented attempts by the current owners, in spite of previous promises to the contrary and that the property was zoned residential at the time, to obtain a liquor permit. He said they feel that the actions that the owners of the Manor have taken speak louder than what they are now proposing. Previous attempts to open up a night club through Gold Productions Inc. really represents the true intent of the owner. He said the almost over two hundred (200) property owners adjacent to the Manor feel strongly that they need Council's continuing support in order to protect the integrity of the property in the neighborhood. He said it would be in the best interest to seek a Historical Overlay Zone for the properties in question and thereby exercise rational control of the development of the property. He said this would assure that the rights of the property owner as well as the rights of the citizens in the immediate area would be protected and considered at the same time. He said they feel the owners of Manor wish to continue with the Office Institutional District in order to increase the businesses in the Manor and to obtain liquor licenses of which would enhance the saleability of the property and all of which would be developed before the Historical Overlay Zone could be established. He asked that Council continue to support the R-2 and R-3 Residential zoning for the property.

At the request of Council, Vic Buchanan, Acting Corporation Counsel, said the consent judgement was signed by the Superior Court Judge as a result of a law suit filed several years ago. He said the consent judgement related to several amendments to Ordinance No. 322, the Zoning Ordinance, for a complicated procedure as to various constitutional deficiencies which the City has tried to correct. He said at that time the consent judgement was entered into by the City of Asheville with Del Rio Inc. He said Del Rio Inc. was the party that instituted the law suit. He said under the consent judgement, which was signed in November, 1978, Del Rio Inc. was to appear before Council and permit them to make a vote, to have proper advertisement and to have a public hearing for everyone to come in and be heard and to have a one time vote on the protest which was filed by Del Rio Inc. He said he has repeatedly reminded Mr. Elmore and Mr. Powell, Attorneys for Del Rio Inc. of that fact. He said this action has not been taken by Del Rio Inc. He said this could have been done by the end of 1978, at any time in 1979 or 1980. He said it is the position of the City of Asheville that Del Rio Inc. has repeatedly failed and refused to come in and do what the City understood would be done under the consent judgement. He said the one vote determination of the zoning would be whether it would be residential or some other zoning determination.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Attorney Bruce Elmore said he was representing R. L. Bailey, owner of the Manor Inn. He said he was substituting for Attorney John Powell. He said in order to relieve some of the concerns of the residents in the area his client is willing to enter into an agreement with the City in order to guarantee that:

- 1) No business activity will be conducted on the Manor properties after 12 p. m. on any day;
- 2) that no disco business will be conducted on the properties;
- 3) that no gas station business will be conducted on the property and
- 4) that the owner will install night lights in the parking lots and initiate, at his own expense, a security patrol of the grounds and parking areas during night time hours.

He said those are some of the things that his client would be willing to guarantee, by any legal binding contract with the City, if Council favorably allowed the Office Institutional District to remain.

Mr. Elmore said it was his understanding that there is a question relative to a time limit on filing a protest petition. He said a previous protest petition had been filed prior to the proposed ordinance and his client felt another protest petition would not be necessary.

Mr. Elmore said Charlotte Street, on which the Manor borders, has always been used for commercial businesses. He said the Manor has always been a hotel. He said he could not understand the fears and worries of the surrounding property owners. He said the property has been zoned Office Institutional for two (2) years. He said he felt the rezoning to residential might be discriminatory and might not withstand the constitutional test. He urged Council not to rezone the property residential without the owner's consent.

Upon inquiry of Councilman Wilkes, Attorney Elmore said one of the disadvantages to the property being zoned residential would be that the Stone Soup currently in the Manor Inn, could not obtain a beer and wine license if they desired to open the business for dinner and serve wine. He said the restaurant is a first class eating place and most first class eating places serve wine. He also said if the owner wanted to place a gift shop in the Manor Inn that businesses would also be prohibited under the residential zone.

Councilwoman Price expressed concerns that the property is still up for sale and any legal contract entered into by the current owner might not be upheld by a new owner.

After discussion, it was agreed that Attorney Elmore would prepare a document, stating the above facts, that would be legally binding, before the third reading of the ordinance. It was agreed that Attorney Elmore and the Corporation Counsel would work together on preparing the document.

Dr. Alan Kreuger, 21 Oak Lane, said he was representing the Grove Park Sunset Citizens Association and some of the property owners in the area. He said they are concerned about the time period in which the Council will be considering establishing a Historical Overlay Zone for the property. He said the owners need some protection, by a residential zoning, during this time period.

Councilman Boland suggested that Mr. Bailey meet with the City Staff in order for him to be fully aware of the details of the Historical Overlay Zone.

Mr. Bailey said if the Manor is zoned residential it would not be viable or operational and if it was not operational the building would greatly deteriorate.

Councilman Wilkes said with the permission of the Mayor he had to leave at 5:30 but he did want to cast his vote in favor of the residential zone for the Manor property until such time as he had an opportunity to review all the information presented by the owner of the Manor and the property owners in the area.

Skip Redmon, 280 Edgewood Road, spoke in opposition to the rezoning of the Manor property to residential. He said the owners rights will be violated if it is zoned residential. He said the owners have the right to operate a business within the limits of the law. He said his brother was a partner in Gold Productions, Inc. who applied for a liquor license in 1977. He said Mr. Bailey did not apply for the license.

Joe Reynolds, spoke in opposition to the rezoning of the Manor property to residential. He said he felt the Manor was operated on the same basis as the Grove Park Inn but on a smaller scale. He urged Council not to hinder Mr. Bailey in operating the Manor.

Mayor Trantham said the Corporation Counsel would work with Mr. Elmore in preparing a document for Council's consideration prior to the third reading of the ordinance.

On a roll call vote of 7-0, Ordinance No. 1196 passed on second reading.

REPORT FROM DIRECTOR OF INSPECTIONS RELATIVE TO 22 NORMANDY ROAD

6. It was noted that on September 11, 1980 Council adopted Ordinance No. 1183 directing the Housing Officer to demolish 22 Normandy Road. However, a motion was made that the Director of Inspections take no action relative to the demolition of 22 Normandy Road, until after November 25, 1980, at which time the Director of Inspections would report to Council any improvements made toward the restoration of 22 Normandy Road before taking any action pursuant to Ordinance No. 1183. At the November 20, 1980 Council meeting a motion was made to have the report given to Council at the December 11, 1980 meeting.

J. E. Johnson, Director of Inspections, said he made an inspection of 22 Normandy Road this afternoon, December 11, 1980, and found that no progress had been made toward the restoration of 22 Normandy Road. He said he had written a letter to Mr. Talman, attorney for the owner of 22 Normandy Road, informing him that the matter would be discussed during the December 11, 1980 Council meeting.

Councilwoman Price moved to direct the Director of Inspections to proceed with the enforcement of Ordinance No. 1183 relative to the demolition of 22 Normandy Road. This motion was seconded by Councilman Cole and carried unanimously.

Upon inquiry of Councilman Cole, Mr. Buchanan said he had notified the attorneys for Del Rio Inc. on a number of occasions of the conditions of the consent judgement. He presented several letters to Council showing that he had notified the attorneys. He said the consent judgement was directed to implement an easy, quick, inexpensive method of resolving a difficult law suit. The consent judgement was entered into without waiving other rights of the City such as rezoning. He said the consent judgement provided for a notification procedure using the express terminology of the North Carolina General Statutes in certain types of advertisements. However, the consent judgement has not been complied with.

Russ Martin, of Woodland Road, said he also represented the Grove Park Sunset Citizens Association. He said they could not determine the concerns of the property owner of the Manor since the current businesses in the Manor have already been established and will be "grandfathered." He said variances can be granted. He said the community is concerned what will happen at the Manor in the period of time that Council is considering establishing the Historical Overlay Zone, which Council had indicated would take two months. He said Attorney John Powell had indicated at the December 4, 1980 meeting that no assurances from the property owner could be made in the next two months. He said in the past a business at the Manor applied for a liquor license and his Association sent an attorney to Raleigh to oppose the issuance of the license. He said according to the tax records the Manor is listed as being owned by R. L. Bailey, Maple Cove Inc., and Del Rio Inc. He said any legal document which the City might obtain from R. L. Bailey might not be binding on the other owners. He also noted that the entrance to the Manor is on Cherokee Road and not on Charlotte Street as indicated by Mr. Elmore. He said the property was intended for residential purposes. He said the businesses in the area are neighborhood businesses and not commercial uses as indicated by Mr. Elmore. He said the Office Institutional zone would be dangerous to the City as well as the surrounding residents.

R. L. Bailey, owner of the Manor Inn, said in order to clarify some of the concerns he would like to state that when the consent judgement was entered into it was his understanding that the property would remain zoned Office Institutional until such time as Del Rio Inc. brought the matter back before Council. He said to his knowledge there was no time frame indicated in the consent judgement. He said Del Rio Inc. has never applied for a beer, wine, or liquor license. He said he leased the property in 1977 to Gold Productions, Inc. and they applied for a license to open a private lounge. He said the property has been zoned Office Institutional for over two years and he could have applied during that time. He said he has no plans for applying for a liquor license in the next two months. He said as far as the legality of the document referred to by his attorney, outlining his guarantees to the City, that all three owners of the Manor would sign the agreement. He said the Stone Soup was the one who instigated the traffic analysis in order to control the traffic situation. He said he has plans to put night lights in the parking lot and have security patrol.

Mr. Bailey said he needs the flexibility at the Manor the same as other hotels and motels in the area. When questioned by Councilwoman Price about his feelings toward the establishment of the Historical Overlay Zone, Mr. Bailey said he did not fully understand the details of the special zone.

- C. Resolution No. 80-221 - Resolution authorizing the Mayor to accept a twenty foot water line easement for the installation and maintenance of a twenty-four inch water line along Craven Street (formerly Spring Street) and Hazel Mill (formerly Craven Street) from the Board of Education of Buncombe County, North Carolina, where this easement encroaches on the Board of Education property.

HIGHLIGHTS: This easement agreement with the Board of Education is for a water line to be constructed across the French Broad River. This is needed for the installation and maintenance of a twenty-four inch water line to increase our capacity to deliver water to West Asheville.

Resolution Book No. 12 - page 255

- D. Resolution No. 80-222 - Resolution authorizing the Mayor to execute a right-of-way agreement with J. W. Stewart of Asheville, North Carolina, concerning an easement for the construction of a water line on Smith Bridge.

HIGHLIGHTS: This encroachment agreement with Mr. J. W. Stewart of Asheville, N. C. is for the construction of a 24-inch main under Smith Bridge.

Resolution Book No. 12 page 256

- E. Resolution No. 80-223 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on Sardis Road.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for a water line to be constructed on Sardis Road. This is for domestic use and is being built to the City's specifications.

Resolution Book No. 12 Page 257

- F. Resolution No. 80-224 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with Carolina Power and Light Company for the installation of a power line to a radio transmitter at North Fork Reservoir.

HIGHLIGHTS: This encroachment agreement for the Carolina Power and Light Company is for the purpose of installing a power line to a radio transmitter at North Fork Reservoir.

Resolution Book No. 12 Page 258

STATUS REPORT ON BALSAM AVENUE CUL-DE-SAC

7. The City Manager said in the 1979 rezoning of property adjacent to Balsam Avenue it was proposed by the petitioner that land would be made available for a cul-de-sac. He said a deed of easement and abandonment of right-of-way was delivered to the City Attorney's office today, December 11, 1980 for the purpose of making the land available. He said the document would be reviewed and the matter brought back before Council for consideration. He said the City has been waiting on the document for a long time.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager noted that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to rezoning property at the corner of Hazel Mill Road and Hansel Street for Mr. Dickie Plemmons for January 8, 1981.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held December 3, 1980 considered the petition of Mr. Dickie Plemmons that Ward 6, Sheet 16, Lot 321 be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. After discussing the issues of this request, the Commission voted to accept the Staff Report and recommend to City Council that the property be rezoned as petitioned.

- B. Resolution No. 80-220 - Resolution approving revised agreement between the North Carolina Department of Transportation and City of Asheville in connection with disbursement and accounting of planning funds of Section 112 of the Federal-Aid Highway Act of 1973.

HIGHLIGHTS: Due to some minor procedural revisions adopted by the State, it has become necessary to re-execute the 1976 agreement between the North Carolina Department of Transportation and City of Asheville in connection with disbursement and accounting of planning funds of Section 112 of the Federal-Aid Highway Act of 1973. These funds are used to carry out the City's street and highway planning program for the urban area.

Resolution Book No. 12 - page 253-254

RESOLUTION NO. 80-228 - RESOLUTION AUTHORIZING SALE OF 1977 GARBAGE TRUCK

Consideration was given to a resolution authorizing the sale of a 1977 garbage truck to the Town of Morehead City for \$15,000. The truck is a surplus 1977 Ford 8000 Front End Loader Garbage Truck.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 80-228 was unanimously adopted.

Complete text of Resolution No. 80-228 will be found in Resolution Book No. 12 at page 262.

RALPH BISHOP - COMMENTS RELATIVE TO REDRESS OF COUNCIL

Mr. Ralph Bishop spoke to Council relative to his right to seek redress from the Council.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Cole, the meeting adjourned at 6:00 p. m.

Raymond J. Starnes
MAYOR

William J. Stalsett
CITY CLERK

- G. Resolution No. 80-225 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for sidewalk improvements on Eagle Street.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for improving sidewalks on Eagle Street. This is for the new contract on Eagle Street Improvements.

Resolution Book No. 12 Page 259

- H. Resolution No. 80-226 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water line on Meadow Road.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for an 8' water line to be constructed on Meadow Road. This is for domestic use and is being built to the City's specifications.

Resolution Book No. 12 Page 260

- I. Resolution No. 80-227 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a 12" water line to be constructed on Beaverdam Road. This is for domestic use and is being built to City's specifications.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for a 12" water line to be constructed on Beaverdam Road. This is for domestic use and is being built to City's specifications.

Resolution Book No. 12 Page 261

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

CLAIMS - UNITED PARCEL SERVICE - MRS. W. C. WALSH - IVERY WHITE - MOULTRIE LOVE

The City Manager presented claims received from United Parcel Service, Mrs. W. C. Walsh, Ivery White, and Moultrie Love.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

- 4) The nonstandard lighting fixtures be maintained by the developer (utility and maintenance costs);
- 5) Requirements of Erosion Control Ordinance; and
- 6) Provision of 11 additional parking spaces.

Further, the Commission recommended approval subject to the staff's recommendation for improving the intersection of Old Haw Creek and Middlebrook Roads be implemented immediately and prior to construction of the group development and that the private right-of-way be resolved along the lines satisfactory to both parties. He said these issues are very important to the developers as well as the community.

Mr. Emrick said the Public Works Director investigated the needs for improvement to the intersections, which would be the principal access to the proposed project, and estimated the total cost of the improvements to be \$20,500.

He said a traffic study, requested by the Planning and Zoning Commission, revealed that Waters Road, being the principal access road to the project, had a count of 1800 - 2000 per day and Cisco Road had a count of 3,400 cars per day.

Mr. Emrick said most of the conditions outlined by the Planning and Zoning Commission had been met or are in the process of being complied with.

Upon inquiry of Mayor Trantham, Mr. Emrick said the project construction cost would be 3-5 million.

Councilwoman Price noted that the street improvements have been needed for a long time.

Douglas Beach, Project Director for the developer, explained the details of the project. He said it would be 2-1/2 story buildings with 8 to 10 units per building, specific units being for handicapped, moderately income units with no rent subsidies. He said they anticipated a construction time period of 18 months.

The City Manager noted that no budget appropriation had been made for the road improvements. He said this should be worked out with the developer prior to the approval of the project.

(Note: At this time Council proceeded with other items on the agenda in order to give Mr. Beach an opportunity to contact the developer to determine if the developer would pay for the cost of the road improvements.)

Later during the meeting Mr. Beach requested that Council continue the public hearing until the road improvement costs could be worked out with the City and the developer.

Councilman Cole moved to continue the public hearing until January 8, 1981 without further advertisement. This motion was seconded by Councilman Wilkes and carried unanimously.

Thursday - December 18, 1980 - 4:00 p. m.
Asheville Civic Center - Banquet Room

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Councilman Walter R. Boland (sick)
Associate City Manager/City Clerk William F. Wolcott, Jr. (sick)

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 11, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the December 11, 1980 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT - CINNAMON RIDGE APARTMENT COMPLEX - HAW CREEK ROAD

2. A public hearing was held relative to the site plan of the proposed Cinnamon Ridge Apartment Complex to be located on Old Haw Creek Road.

Mayor Trantham opened the public hearing at 4:16 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Trantham said the ground rules for conducting the public hearing will be that a main spokesman both for the opponents and proponents will be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. Those wishing to speak against the issue will be called on first then those wishing to speak for the issue will be called on. He asked that the speakers not repeat what someone else has already said.

Verl Emrick, Planning Director, said the Planning and Zoning Commission reviewed the site plan of the proposed Cinnamon Ridge Apartment Complex on November 5, 1980. He said after review and discussion of the plan the Commission recommended approval of the project to City Council, subject to the following conditions:

- 1) Engineering plan showing Cinnamon Ridge water line connection to City's water line (16") are provided to the Water Department;
- 2) Approval of water connection by Department of Human Resources;
- 3) If main street is dedicated to the City, that the ~~crushed~~ stone base be 10 inches; the curb, curb and gutter, sidewalk, storm drain structure and any other concrete structure be 4000 PSI concrete;

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Mr. Emrick reminded Council that the "20% rule" still applied on this rezoning, requiring six (6) affirmative votes, due to the protest petitioned filed by adjacent property owners.

On a roll call vote of 6-0, Ordinance No. 1198 passed on second reading.

ORDINANCE NO. 1195 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Establishing Article 12 of the Zoning Ordinance, the Montford Historic District.)

5. Consideration was given to the third and final reading of Ordinance No. 1195, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, establishing Article 12 of the Zoning Ordinance, the Montford Historic District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Wilkes, in clarifying a negative vote, said he still had several concerns about the ordinance. He said he was concerned about the transition period, economic displacement of residents in the area, the large area involved and the economic hardship that the ordinance would place on some of the residents.

Mayor Trantham commented that the Montford area is a Historical area and in his opinion this ordinance would not require any property owner to do anything beyond the normal code requirements. He said the ordinance would not require displacement of any resident. He said the ordinance is intended to establish guidelines to keep the area in the historical state.

Councilman Brownlee said he agreed with the concerns expressed by Councilman Wilkes. He said he is in favor of keeping the area historical and keeping the older homes, however, he felt the area covers too much territory. He said he felt the ordinance would place a hardship on some of the lower income residents in the area.

Councilwoman Price and Councilman Cole strongly supported the adoption of the ordinance, stating that the ordinance would stabilize the area.

Vice-Mayor Morris noted that an extra effort was put forth by the Planning Department staff to notify all the property owners in the affected area and that at no time during the discussions of the ordinance had anyone objected to the adoption of the ordinance. He said in his opinion the ordinance will not cause any displacement of residents.

Bruce Roberts of 315 Pearson Drive and President-Elect of the Montford Community Club and Historic Montford Inc., supported the adoption of the ordinance stating that it would improve the properties as well as the property values. He said the ordinance will not require the property owners to do anything and will not cause displacements. He said the purpose of the ordinance is to keep the architectural style of the historical area.

Tom Duvall, an area resident, questioned whether or not a decision had been made on the "land-locking" or denying a right-of-access of three property owners if the project is constructed. He said he had a petition with about 700 signatures opposing the project which would be presented to Council on January 8, 1981.

Upon inquiry of Ted Scroggs, of the Dutch Boy, Vice-Mayor Morris stated that the Cinnamon Ridge Apartment Complex would not cost the taxpayers of the City anything.

Mr. Emrick also told Mr. Scroggs that the project is not a federally subsidized project.

Mr. Beach informed Council that he had contacted the property owners referred to by Mr. Duvall and said he would present, at the January 8, 1981 meeting, a letter signed by the affected property owners, agreeing to the proposals relative to the right-of-access problems.

Dr. Reginald Teague, Route 6, Weaverville, North Carolina, principal of Haw Creek School read a letter to members of Council dated in 1974 from Verl Emrick, Planning Director to former Mayor Richard Wood. The letter referred to road improvements needed in the Haw Creek area due to anticipated developments. He said the developments have since been completed but nothing has been done about the road improvements. He said he is responsible for the school buses in the area and the roads are too narrow to allow passing of school buses. He said he would like to see some specific recommendations and proposals from Council take place relative to the road improvements.

At the request of Mayor Trantham, Dr. Teague said he would mail the Mayor a copy of the letter he referred to.

Mrs. M. C. Walsh of 168 Old Haw Creek Road said she owns property adjacent to Middlebrook Road and she would not be willing to donate any of her property for the widening of Middlebrook Road.

Upon inquiry of several property owners in Haw Creek, Mayor Trantham said everyone who wished to speak relative to the proposed Cinnamon Ridge Apartment Complex would be given that opportunity at the January 8, 1981 public hearing.

ORDINANCE NO. 1197 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property located at 171 Hillside Street)

3. Consideration was given to the second reading of Ordinance No. 1197, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property located at 171 Hillside Street.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1197 passed on second reading.

ORDINANCE NO. 1198 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning the Emma Air Park Property)

4. Consideration was given to the second reading of Ordinance No. 1198, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning the Emma Air Park property.

Pursuant to your request made at our meeting on December 12, 1980, I have conferred with my client, the owner of the Manor Inn properties, with regard to what he would agree to do by way of compromise on an interim basis pending the development of a historic zone, to which zone the Manor Inn properties may later be reclassified.

Pending the development of a historic zone and in consideration of the City Council not at this time rezoning the Manor Inn properties from their present Office Institutional designation to R-2 and R-3 zones, my client promises as follows:

1. That he will not conduct any business enterprise on the Manor Inn properties past 12:00 o'clock p. m. on any night except for the rental of rooms and standard hotel operations.
2. That he will not attempt to open any discotheque.
3. That he will not attempt to open any filling station on the Manor Inn properties.
4. That he will install at his own expense night lights on the adjoining parking lot, and also at his own expense, institute a security patrol during the night-time hours.
5. That he will assist and cooperate with any efforts made to widen Cherokee Road as it passes the Manor Inn properties.
6. That he will assist and cooperate in any efforts made to set back power poles from close proximity with the traveled portions of the roadways adjoining the Manor Inn properties.
7. That he will assist and cooperate in any efforts made to secure a traffic signal at the corner of Charlotte Street and Edwin Place.
8. That he will either not sell the Manor Inn properties pending the development of a historic zone, or if he does contract for the sale of said properties, that he will require that the above covenants and agreements be made a part of any sales contract, and that any proposed purchaser would be bound by them.

Verl, I hope that these efforts by Mr. Bailey to compromise in this difficult situation will be given the consideration which they deserve by yourself and City Council, and that City Council will see fit to forego any present change in the Manor Inn properties' Office Institutional classification pending the development of the historic zone, as discussed. As you know, we will be more than willing to dedicate whatever efforts and energies that may be necessary to assist in the development of the historic zone so as to protect the interests of the local residents and also to assure the Manor Inn's continued economic viability.

Please contact me as soon as you have had a chance to discuss this offer with City Council, and in all events, please let me know Council's attitude toward this offer well in advance of the proposed third reading of the amendment in question, which is presently set for December 18, 1980.

With kindest personal regards, I remain.

Very truly yours,

ELMORE & POWELL, P. A.

/s/ John

John A. Powell

/smb

Upon inquiry of Councilman Brownlee, Mr. Emrick said his office staff hand delivered, on a door-to-door basis, over 400 copies of the proposed ordinance to the affected property owners. He said the ordinance is intended to maintain the integrity of the area. He said he felt the ordinance would be a reinvestment incentive.

Donna Hogan of 89 Cumberland Avenue spoke in support of the ordinance stating that it is designed to guide property owners to keep the architectural style of the area. She said it is also an effort to discourage demolition of the historical structures.

On a roll call vote of 4-2, Ordinance No. 1195 passed on third and final reading with Councilman Wilkes and Councilman Brownlee voting "no."

Complete text of Ordinance No. 1195 will be found in Ordinance Book No. 9 at page 178.

ORDINANCE NO. 1196 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Ward 2, Sheet 15, Lot 98 from OI to R-2) (Ward 2, Sheet 15, Lot 100, from OI to R-3) - Manor Property

6. Consideration was given to the third and final reading of Ordinance No. 1196, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (Ward 2, Sheet 15, Lot 98 from OI to R-2) (Ward 2, Sheet 15, Lot 100, from OI to R-3) - Manor property.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read unless there was a specific request to do so.

Verl Emrick, Planning Director, said during the second reading of the ordinance Council asked that two issues be investigated before the third reading of the ordinance. He said Council asked whether or not the Council and the property owners, Del Rio, Inc., could come to some agreement with a legal document that would impose "self-imposed" conditions upon the property owner in return for which the Council would not consider the third reading of the ordinance, or not rezone the property to R-2 and R-3 Residential District. He said he met with Mr. Powell and Mr. Bailey on two occasions during the past week. He said he received the following letter from Mr. Powell:

December 15, 1980

Mr. Verl R. Emrick, Jr.
Planning Director
City of Asheville
Planning and Zoning Commission
Post Office Box 7148
Asheville, North Carolina 28807

Re: Manor Inn Properties

Dear Verl:

Mr. Emrick said an overlay zone can be created, such as the Montford Historic District, which would not be connected to the Zoning Ordinance. He said Council has general zoning authority, under N.C.G.S. 160A-382, to divide all the land in the City into whatever zone they deem necessary to accomplish certain public good. He said based on those two sets of statutes, Council has ample opportunity to address Historical Zoning situations in one of two ways. He said either situation could apply in the Manor rezoning issue. He said at this point, it would be his recommendation, due to the relatively small number of structures that would be affected by an overlay zone, to use the overlay zone. He said a majority of the structures are found in residential areas and if they were in Commercial areas there would be no advantages to the overlay zone. He said Council could create an entirely new use district for historical zones and could establish the allowable uses in the new zone. He said Council could set up Conditional Uses under the new district and word the language whereby Council would have the authority to approve or disapprove a use in the new district. He said the new district could be entitled "Historical Zone" and properties would be rezoned through the normal rezoning process. He said specific conditions could be established for each allowable use. He said if Council chose to go with the overlay zone for the existing zoning districts, specific threshold criteria could be set for a particular piece of property to meet before Council would consider the imposition of the overlay zone for that property. He said for an example it would have to be on the National Register of Historical Places. He said Council could also establish certain uses in an overlay zone. He said most of the structures that would be involved in an overlay zone are large structures. He said Council could set what criteria was needed in order to allow the adaptive uses of a certain piece of property to keep the structure operational as well as protecting the integrity of the residential property surrounding the structure. He said his staff is in the process of preparing an ordinance for Council's consideration establishing such an overlay zone.

Vice-Mayor Morris said since the property owner has shown willingness to cooperate he would hope the Planning Staff would make every effort to proceed immediately to get the Historical Overlay Zone brought before Council so as not to inconvenience the property owner no longer than necessary.

Mr. Emrick indicated that his staff has already prepared a preliminary draft for an ordinance creating a Historical Overlay Zone.

Upon inquiry of Mayor Trantham, Mr. Emrick said in his opinion the property in question would need to be zoned residential before applying an overlay zone, taking into consideration the small number of structures to be involved.

Upon inquiry of Councilman Wilkes, Mr. Emrick said an overlay zone would have to be established by the same procedure as an ordinary zoning amendment.

Mr. Emrick said he also received the following letters during the past week:

October 31, 1980

Planning and Zoning
City of Asheville
Asheville, N. C.

Dear Sir:

He said after he and the Corporation Counsel reviewed Mr. Powell's letter, the following memorandum was given to the City Manager:

MEMORANDUM

TO: Ken Michalove, City Manager

FROM: Verl R. Emrick, Jr., Planning Director
and
William Moore, City Attorney

SUBJECT: The Manor Rezoning

DATE: December 18, 1980

Verl and I have been asked to answer a question as to whether or not the City can enter into an agreement whereby the City Council would under certain conditions specified by the owner of The Manor Inn not change the existing zoning which is OI Office-Institutional for The Manor Inn.

It is our opinion that based on the case of Allred vs. Raleigh, 277 N. C. 530. 178 S. E. 2d 432 (1971), which states in part that a municipal corporation may not bargain away its legislative authority to zone property under the statutes of the State of North Carolina that any attempted agreement between the City Council and Del Rio, Inc. would amount to contract zoning and would, therefore, be a violation of the North Carolina law.

Therefore, we would recommend that City Council not consider any action of this nature.

Finally, this opinion is also supported by Blade vs. City of Raleigh, 280 N. C. 531, 549, 187 S. E. 2d, 35, 45 (1972).

Respectfully,

/s/ Verl R. Emrick, Jr.
Verl R. Emrick, Jr.

/s/ William C. Moore
William Moore

VREJR/WM/nr
Enclosure

Upon inquiry of Mayor Trantham relative to establishing a Historical Overlay Zone for this area, Mr. Emrick said under the North Carolina law there are certain provisions dealing with historic districts and properties, in N.C.G.S. 160A-395. He said several of the provisions provide for certain types of districts that can be established by Council. He said Council has the authority to create separate zones or overlay zones and make them a part of the Zoning Ordinance to protect historic properties.

December 18, 1980

Mr. William F. Wolcott, Jr.
City Clerk
The City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Sirs:

Del Rio, Inc. hereby continues its prior request for a protest vote pursuant to the provisions of Section 30-11-3 of the Asheville City Zoning Ordinance with regard to the proposed amendment for the rezoning of the Manor Inn Properties.

Sincerely,

DEL RIO, INC.

/s/ R. L. Bailey

R. L. Bailey
President and Sole Shareholder

Mr. Emrick said he and the Corporation Counsel are still of the opinion that, while it is true that the last time Council addressed this subject in 1978, there was a protest petition but no specific action was ever taken on that protest, that issue was resolved by the Court's consent judgement. He said this is an entirely separate ordinance and an entity by itself and both the State Statutes and the Zoning Ordinance indicate that in order for a protest to be valid that "160A-386 - no protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of 365, which is the 20% rule, unless it is in the form of a written petition actually bearing signatures of the requisite number of property owners, stating that the assignees do protest the change or amendment and unless it should have been received by the City Clerk in sufficient time to allow the City at least two normal days, working days, excluding Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The City Council may, by ordinance, require that all protest petitions be on a form prescribed by City Council.

Mr. Emrick said in essence the statute says that prior to the public hearing, which was held on December 4, 1980, the City would have had to receive that protest two working days prior to, or December 2, 1980. He said no such petition was received by the City Clerk. He said Mr. Vic Buchanan, with Patla, Straus, Robinson and Moore, responded to a letter, issued by Mr. Powell, that the protest was in fact invalid for the purpose of this particular ordinance. He said the public hearing was closed and the first reading was held on December 4, 1980. He said this is the third and final reading of the ordinance and even though Council accepts comments, this is not "the public hearing."

In the past years R. L. Bailey, as owner of the Manor Inn, has allowed us to use the facilities of the Manor free of charge. It is our further understanding that Mr. Bailey has freely offered these same privileges to many of the local civic and fraternal organizations.

We now understand that there is a pending rezoning request which, if allowed, would severely restrict and limit the actual and potential use of the property. It is our feeling that this rezoning request is arbitrary and is the product of a special interest group.

It is important to note the fact that Grove Park Inn is zoned exactly the same as the Manor Inn. Although the Manor Inn has not been in a position to invest heavily in restoration and renovation, there is a year-round program of restoration and renovation at the Manor.

To rezone the Manor Inn and its related properties would pose a very real threat to the continuing operation of the Historic Manor Inn and to its ability to become a vigorous participant in the continued growth of Asheville.

Sincerely,

/s/ Board of Directors
Asheville Jaycees

October 31, 1980

Planning and Zoning
City of Asheville
Asheville, N.C.

Dear Sir:

We are in total support of the Jaycees' position on the proposed rezoning of "The Manor". We do not feel that rezoning is in the best interests of the manor, the community or the city of Asheville, and urge the Planning and Zoning Board and City Council Members to take a realistic and cautious approach to this serious proposal.

Yours truly,

/s/ Linda Manley, President

The Jaycettes of Asheville

Mr. Emrick said he also received a copy of the following letter:

Councilman Wilkes told Mr. Bailey it is his understanding that in order for the property to become an overlay zone it would have to revert to residential temporarily.

At the request of Vice-Mayor Morris, Mr. Emrick again explained the difference in a Historical Zone and a Historical Overlay Zone.

Mayor Trantham said the overlay zone would give Council control over what went into a residential section.

Upon inquiry of Councilman Brownlee, Mr. Bailey said he had lights installed in his parking area and he let the church across the street use his parking lot during services.

Referring to a question asked Mayor Trantham by Mr. Bailey as to whether this meeting was a public hearing on the proposed ordinance, as it is open to the public for comment, the City Manager noted that in order to clarify the statement, he would like for the record to state that the public hearing on the proposed ordinance was held on December 4, 1980 and the public hearing was closed on that date. He said Council, at this meeting, is considering the third and final reading of the proposed ordinance and this is not "the public hearing" even though it is open for public comment.

The Corporation Counsel agreed with the City Manager that this is not "the public hearing."

Peter Gatling of 241 Old Toll Road, spoke in favor of the rezoning to R-2 and R-3 Residential zoning.

John Powell, attorney for R. L. Bailey, said in his opinion there was a major difference in a Historical Zone and an Overlay Zone and that is that with the Overlay Zone, every time Mr. Bailey, the owner of the Manor, wants to make any change whatsoever in the use of the property, the Board of Adjustment or the City Council will have to hear heated debate over any change regardless of what it is and it's going to be before Council each and every time. He said with a Historic Zone, the professional planners along with members of the Council and interested citizens would have the opportunity to draft a list of allowable uses which would give everyone a fair presentation as to what could or should be allowable on that property and not require that each and every time there is a proposed change it would be in front of Council. He said the Overlay Zone would cause delays on business transactions. He said he felt it would be more fair to the owner of the Manor and the residents in the area to go with a Historical zone.

Ralph Bishop spoke in opposition to the rezoning of the Manor stating that this would deprive the owner of his constitutional right.

Dr. Alan Kreuger, 21 Oak Lane, said he represented over 175 petitioners in favor of the residential zoning and the Grove Park Sunset Citizens Association. He spoke in support of the rezoning of the property of the Manor to R-2 and R-3 Residential. He said he felt the Historical Zone would be fair to the Manor as well as the residents in the area.

Russ Martin, from the Grove Park area, spoke in support of the rezoning of the Manor to R-2 and R-3 Residential District.

Mr. Emrick read the following letter received from Mr. Powell:

December 16, 1980

Mr. Verl Emrick, Jr.
Planning Director
The City of Asheville
Planning and Zoning
Post Office Box 7148
Asheville, North Carolina

Re: The Manor Inn Properties

Dear Verl:

The question has arisen as to the ownership of the above-referenced properties. By this letter, I wish to inform you that Del Rio, Inc., a North Carolina corporation, is the record title holder to the property, and my client, Mr. R. L. Bailey, owns 100% of the capital stock of Del Rio, Inc.

If you have any further questions, please do not hesitate to contact me.

With kindest personal regards, I remain

Very truly yours,

ELMORE & POWELL, P.A.

/s/ John

John A. Powell
/smb

Mr. R. L. Bailey, owner of the Manor Inn property said he was receptive to any new zoning that would permit the same use as any other hotel in the respective area. He said to restrict one person's property, when they have to compete with other hotels and other businesses, and deny them the right to operate, is unfair and not right.

Upon inquiry of Mr. Bailey as to whether this is a public hearing, open to the public, Mayor Trantham responded that Council is considering the third and final reading of the proposed ordinance.

Councilwoman Price responded that this is not "the public hearing."

Mr. Bailey said he would favor a Historical Zoning rather than an Overlay Zone.

Vice-Mayor Morris moved to approve the sign permit for the Wright-Dobbins-Farnam Insurance Company at 42 Orchard Street. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-229 - Resolution authorizing the Mayor to accept a Deed of Easement and Abandonment of Right-of-Way for the Balsam Avenue cul-de-sac.

HIGHLIGHTS: In the 1979 rezoning of property adjacent to Balsam Avenue it was proposed by the petitioner, Mr. R. L. Coleman, that land would be made available for a cul-de-sac on Balsam Avenue. This will authorize the Mayor to accept the land needed for the cul-de-sac.

Resolution Book No. 12 - page 263

- B. Resolution No. 80-230 - Resolution authorizing the Mayor to enter into a contract with the North Carolina Department of Transportation in support of Project 81-P-01.

HIGHLIGHTS: The Planning Department of the City of Asheville has requested the North Carolina Department of Transportation to provide Fifty Percent (50%) of the non-Federal cost of implementing specific items of the 1980-81 Asheville Urban Area Unified Work Program, UMTA Grant Number NC-09-0062 at a total cost of Twenty-Six Thousand Eight Hundred and Seventy-Five Dollars (\$26,875) of which the non-Federal cost amount to Five Thousand Three Hundred and Seventy-Five Dollars (\$5,375). This is an annual grant received from the N. C. DOT for a technical studies grant.

Resolution Book No. 12 - page 264

- C. Resolution No. 80-231 - Resolution authorizing the Country Club of Asheville to encroach upon the right-of-way of Edgelawn Road, Fairway Road and Dover Road.

HIGHLIGHTS: The Country Club of Asheville has requested permission to encroach upon the fifty foot (50') right-of-way of Edgelawn Road, Fairway Road, and Dover Road, for the purpose of placing wooden deterrent posts to prevent vehicles from entering the Golf Course and causing damage to the fairways and property of the Country Club of Asheville, Inc. This request has been investigated by the Director of Public Works and, in his opinion, would not hinder the safe flow of traffic or pedestrian movement along the above-mentioned streets.

Resolution Book No. 12 - page 265-266

Mac Day, President of the Grove Park Sunset Citizens Association, said the residents have experienced frustrations by fighting this issue in various forms in the past five (5) years and would like the issue brought to a close. He said when the Historic Overlay zone as opposed to the new district zoning comes up and is proposed the Association will support the Historic Overlay Concept if it is properly and tightly drafted. He said real control is needed over the activity going on in the Manor. He said the Association would like to give input to the Historical Overlay Zone. He said the Overlay Zone would be a reasonable alternative. He said he felt the Manor Inn is unique and is not like a true commercial hotel. He said the Manor is not a commercial hotel, it is a residential entity within an area wholly residential in character.

Wayne Montgomery of 55 Sunset Parkway spoke in support of the R-2 and R-3 Zoning with a Historical Overlay Zone.

On a roll call vote of 5-1, Ordinance No. 1196 passed on third and final reading, with Councilman Brownlee voting "no."

Complete text of Ordinance No. 1196 will be found in Ordinance Book No. 9 at page 195.

Councilwoman Price was excused from the meeting at 6:05 p. m.

COUNCIL RECESS

Mayor Trantham called for a recess of Council for ten (10) minutes.

Council reconvened at 6:15 p. m.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - FISCAL YEAR 1980-81 EVALUATION OF THE CHESTNUT STREET VIADUCT

7. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$3,900 to appropriate funds to the Street Division budget to pay for evaluation of the Chestnut Street viaduct by Talbert, Cox and Associates, Inc., consulting engineers.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Morris and carried unanimously.

SIGN PERMIT - WRIGHT-DOBBINS-FARNAM INSURANCE COMPANY - 42 ORCHARD STREET

8. Consideration was given to a sign permit for Wright-Dobbins-Farnam Insurance Company for a wall sign at 42 Orchard Street.

J. E. Johnson, Director of Inspections, said the Wright-Dobbins-Farnam Insurance Company has requested the approval of a sign permit to install a wall sign on an existing building at 42 Orchard Street. He said the sign will be within 600' of a limited access highway which requires the approval of Council. He said the sign would be 5' x 6" and would advertise the Wright-Dobbins-Farnam Insurance Company.

It indicates that the Strouse-Greenberg Company will submit to the City a list of items which they expect the City to be responsible for if the project takes place.

It indicates there will be discussions between the City and Strouse-Greenberg before these things are finalized and put into a basic agreement.

It also requires that there be addressed such mechanisms as performance bonds, escalation clauses to protect the City and hold it harmless from liability for completion of the project in the event inflationary pressures or other causes beyond the control of the parties should take place.

It indicates how Strouse-Greenberg will work to obtain the commitments that they need.

It works toward a mid-81 application submission time, sometime around April 1.

It gives the option to both the City and Strouse-Greenberg at any point and time during this agreement period to decide to step out of the project.

It indicates that the City will work with Strouse-Greenberg on the UDAG application.

It indicates that the City will seek consultant advice as far as financial impact to the City, both in terms of loss of dollars and increase in dollars either from tax sources or other sources.

It indicates that the City will appoint a liaison person prior to December 31, 1980.

It indicates that the City will investigate the arrangements necessary for a non-profit corporation to deal with the financing of the proposed parking garage and other appropriate public improvements.

It indicates that the City will seek out a variety of federal grants and it will work towards a schedule of April 1, 1981.

The City Manager said this document has been reviewed by the City Attorneys and if agreed to in this form, it is a legal document that could be entered into. He said it would hold the City in a good legal position, if Council decides to go ahead with the agreement. He said even if the Council proceeds with the Memorandum of Understanding, it does not prohibit the other projects proposed for development with UDAG funding from continuing the development of their applications.

RESOLUTION NO. 80-232 - RESOLUTION OF INTENT TO CLOSE A PORTION OF ASHELAND AVENUE AND CALLING A PUBLIC HEARING ON THE QUESTION

Consideration was given to a resolution of intent to close a portion of Asheland Avenue and calling a public hearing on the question for January 22, 1981.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Vice-Mayor Morris, Resolution No. 80-232 was unanimously adopted.

Complete text of Resolution No. 80-232 will be found in Resolution Book No. 12 at page 267.

Upon motion of Councilman Brownlee, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

STROUSE-GREENBERG COMPANY PROJECT - DOWNTOWN COMMERCIAL COMPLEX - SPECIAL MEETING SCHEDULED FOR DECEMBER 22, 1980

The City Manager said Council has reviewed a matter dealing with a Memorandum of Understanding. He said it was the consensus of Council to consider scheduling a special Council meeting on Monday, December 22, 1980 at 3:00 p. m. He said the following would be the agenda for that special meeting:

- 1) Consideration of a resolution to enter into an agreement, . . . a Memorandum of Understanding, between the City of Asheville and the Strouse-Greenberg and Company with respect to the development of the proposed Asheville Downtown Commercial Complex.
- 2) Consideration of a resolution authorizing the Housing Authority to proceed with studies to complete a redevelopment plan as required by State law - prepare plans, appraisals and relocation estimates and other materials necessary to acquire the proposed site and to develop relocation plans for businesses in the area and other matters associated with that contractual agreement.
- 3) Consideration of a budget amendment that if Council considers the other two resolutions, to appropriate the funds to carry out the work in the two resolutions.
- 4) A motion that would authorize the City Manager to be the City's liaison between the City and Strouse-Greenberg Company regarding the negotiations that are detailed in the Memorandum of Understanding.

Councilman Cole moved to schedule a special Council meeting for Monday, December 22, 1980 at 3:00 p. m. at the Asheville Civic Center for the express purpose outlined above by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

The City Manager said because the Memorandum of Understanding is still in draft form it would not be made available to the public at this time. He highlighted the Memorandum of Understanding. He said it addresses what is being considered by square footage, facilities, location and parking.

It describes that the City intends to contract with the Housing Authority for a redevelopment and relocation plan.

It indicates the responsibilities of the City and Strouse-Greenberg and Company, generally being the preparation of the UDAG Grant application, the contracting for consultants dealing with Environmental Impact, Historic Preservation, as well as other kinds of consultant services.

It indicates the limits of the City's obligation in terms of dollars and Strouse-Greenberg as far as cost associated with consultant services.

It involves the City in the selection of consultants and consultation with Strouse-Greenberg for consultant services.

Monday - December 22, 1980 - 3:00 p. m.
Asheville Civic Center - Banquet Room

Special Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, F. Jack Cole and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland (sick)

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

PURPOSE OF SPECIAL MEETING

Mayor Trantham said the purpose of this special Council meeting is to consider entering into an agreement with Strouse-Greenberg and Company and determine the feasibility of Asheville Downtown Commercial Complex project. To establish specific responsibility on the part of the City and Strouse-Greenberg as it pertains to preparing a UDAG grant application. To take other steps necessary to fulfill the Council's conditions for approval of the projects concept as stated by Council July 24, 1980. Whether or not the City will consider entering into Memorandums of Understanding with other developers for UDAG grants will be a decision that must come before the entire Council. This particular agreement is being considered as well as reviewed by the City Attorneys. Also this does not prohibit developers who have submitted requests for UDAG funding from proceeding with the development of their applications.

RESOLUTION NO. 80-233 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH STROUSE-GREENBERG COMPANY

1. Consideration was given to a resolution authorizing the City Manager to sign a Memorandum of Understanding with Strouse-Greenberg Company.

The City Manager said the City Council issued, at the July 24, 1980 meeting a statement indicating the Council approval of the concept of the downtown shopping center provided the following conditions are met:

1. That a favorable relocation plan is implemented for existing businesses and residences.
2. That the area meets the criteria of the N. C. General Statutes for redevelopment of blighted areas.
3. That there is no financial liability whatsoever to the City other than the normal costs of City service delivery to any business or residence.
4. That the City approve the non-profit corporation.
5. That concrete approval from anchor stores is obtained.
6. That a federal grant application must be approved by the City Council.

BUDGET AMENDMENT - CITY OF ASHEVILLE 1980-81 ANNUAL OPERATING BUDGET -
FURNACE AT THE VALLEY STREET FACILITY

The City Manager presented a budget amendment in the amount of \$2,000 to appropriate money for the emergency replacement of the furnace at the Street Division's Valley Street facility.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

CLAIMS - W. W. CARTER - GRACE HIGGINBOTHAM - DONNIE MEADE - TED LAWSON

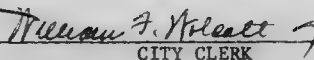
The City Manager presented claims received from W. W. Carter, Grace Higginbotham, Donnie Meade, and Ted Lawson.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

At 6:50 p. m., Councilman Brownlee moved that the meeting be adjourned. This motion was seconded by Councilman Wilkes and carried unanimously.


MAYOR


CITY CLERK

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- (b) In connection with the preparation and submission of said application Strouse, Greenberg agrees to retain independent consultants, with prior city consultation, to carry out such studies as may be recommended, including without limitation, an environmental impact statement (EIS) sufficient to meet all applicable federal requirements. Included in the EIS will be a special historic impact study, sufficient to respond to the federal "106" review procedures and requirements and to satisfy any requirements of the North Carolina Department of Archives and History, the state preservation officer and the applicable review agencies, boards and commissions associated therewith.
- (c) Strouse, Greenberg agrees to pay all of the costs associated with the above-stated obligations including the cost of independent consultants; provided, that Strouse, Greenberg shall not be obligated to pay hereunder fees for independent consultants in excess of one hundred thousand dollars (\$100,000) incurred after the date of this memorandum.
- (d) It is understood that the City will reimburse Strouse, Greenberg the lesser of 50% of the actual consulting fees or fifty thousand dollars (\$50,000) for any independent consultant expenses as specified in sub-paragraphs (a) and (b) above incurred after the date of this memorandum in the event that the City determines, after giving due consideration to the reasonable feasibility requirements of Strouse-Greenberg, not to go ahead with the project as a result of these feasibility studies and discussions.
- (e) Subject to prior written approval of the City, Strouse, Greenberg agrees to select such independent consultants

7. That rents/lease payments must be adequate to cover debt service.
8. That City Council approve final plans and specifications as to architectural design.
9. That the developer/non-profit corporation comply with all ordinances of the City and laws of the State of North Carolina.

The City Manager said this information was communicated to Joe Lowrance of the Strouse-Greenberg Company on July 24, 1980. He said since that time information has been gathered to try to comply with the Council's requests. He said today's special agenda items are intricately related to these nine requests of the Council. He said it seemed to him what Council is not here to consider today are the specifics of the project - a relocation plan - how many square feet there will be - what kind of services the City is going to provide - whether or not it is a good idea. He said that is a part of the whole idea of the agreement, or the Memorandum of Understanding. He said the City does not have enough information at this point in time to decide these things. He said the intent of the Memorandum of Understanding is to squarely set upon the shoulders of the City and Strouse-Greenberg Company the responsibilities gathering this information so that a decision can be made.

The City Manager then read the Memorandum of Understanding which is as follows:

The following memorandum of understanding expresses the commitments of the City of Asheville (hereinafter referred to as "the City") and Strouse, Greenberg and Company (hereinafter referred to as "Strouse, Greenberg") with respect to the development of the proposed Asheville Downtown Commercial Complex.

Strouse, Greenberg has proposed a downtown development program consisting of approximately 700,000 square feet of commercial space (including 4 department stores), a 300 room hotel and future office building. This plan is dependent upon assistance from the City of Asheville in the acquisition of the proposed site - located between Haywood, Broadway, College and Rankin Streets - and in the construction of a 3500 car parking garage.

At this time the City wishes to develop the feasibility of the project in more detail before proceeding to submit formal applications for federal funds. The City has already authorized the retention of a consultant to do a fiscal impact study of the proposed development. The City has further indicated that it will provide funds to the Asheville Housing Authority (AHA) to allow it to undertake the necessary studies to (1) complete a redevelopment plan as required by state law, (2) prepare plans, appraisals, relocation estimates and other materials necessary to acquire the proposed site and (3) develop relocation plans for businesses in the area. The following represents an agreement on the mutual responsibilities of Strouse, Greenberg and the City with respect to the development of further information about the project.

A. Responsibilities of Strouse, Greenberg

1. (a) Strouse, Greenberg shall prepare an Urban Development Action Grant (UDAG) application sufficient to meet the approval standards for funding of the U. S. Department of Housing and Urban Development (HUD).

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on a schedule that would allow the City to determine whether or not to proceed with this project by April 1, 1981, after giving due consideration to the reasonable feasibility requirements of Strouse-Greenberg.

B. Responsibilities of the City

1. The City agrees to assist Strouse, Greenberg in the identification of consultant work to be done to complete an EIS, an historic impact analysis and a UDAG application. The City will make available existing data and will assign City staff or the staff of other public agencies to assist in this work. Pursuant to section A.1. (d) above, the City agrees to reimburse Strouse, Greenberg for the lesser of 50% of the actual independent consultant expenses, up to a limit of fifty thousand dollars (\$50,000) incurred after the date of this agreement, in carrying out the above-listed studies in the event that the City determines, after giving due consideration to the reasonable feasibility requirements of Strouse-Greenberg, not to go ahead with the project as a result of these feasibility studies and discussions.
2. The City agrees to have AHA undertake its work, referred to above, on the same time schedule as the consultant studies funded by Strouse, Greenberg.
3. The City agrees to have its fiscal impact consultant undertake its work on the same time schedule. Such work shall include a request to the Internal Revenue Service for a letter ruling on tax-exempt financing status of any proposed non-profit public corporation connected with the project.
4. The City agrees to appoint a person to act as formal liaison between the City and Strouse, Greenberg for the purposes of

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and to develop a scope of services mutually acceptable to the City and Strouse, Greenberg. Strouse, Greenberg further agrees to have such independent consultants start work by January 31, 1981, and to perform work on a time schedule to be mutually determined by Strouse, Greenberg and the City. The consultants' work will be undertaken in a phased manner so as to minimize the cost thereof.

2. Strouse, Greenberg agrees to provide the City with a detailed listing of the responsibilities of Strouse, Greenberg and the responsibilities of the City regarding the full construction, financing and management aspects of the project. This listing will be provided by December 31, 1980, and will serve as the basis for a series of discussions between the City and Strouse, Greenberg to prepare a basic lease agreement between the City, the proposed non-profit corporation and Strouse, Greenberg. This list must address mechanisms such as a performance bond to protect the City and hold it harmless from liability for completion of the project in the event of inflationary pressures or other causes beyond the control of the parties.
3. Strouse, Greenberg agrees to work diligently to obtain commitments from department stores and a hotel management corporation suitable for inclusion and documentation in a UDAG application to be submitted in mid-1981.
4. Strouse, Greenberg agrees to participate with the City, other public agencies and commissions, and consultants retained by the City to further develop the financial implications of the project. Strouse, Greenberg further agrees to assist the City in other financial planning, including but not limited to efforts to obtain grants from federal and state sources.
5. Strouse, Greenberg agrees to undertake the above stated efforts

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costs and expenses theretofore expended or firmly committed and not cancellable.

So long as Strouse, Greenberg adheres to the mutually agreed upon schedule, the City agrees not to negotiate with any other developer through April 1, 1981, for this proposed site except Strouse, Greenberg during this feasibility phase. The City also agrees that if the results of the study indicate a feasible project with which the City intends to proceed, the City will select Strouse, Greenberg as the developer of that project, so long as satisfactory agreements can be reached. Further, that the City will extend the reasonably full support of all pertinent city agencies and their staffs as well as cooperative efforts to coordinate with county, state and federal governments to achieve a timely and financially sound conclusion to the project's development, construction and operation. Notwithstanding anything to the contrary contained herein, no obligation of the City shall be in contravention of any applicable law or statute. Should any provision hereof so be in violation the remaining provisions hereof shall be severable.

Finally, Strouse, Greenberg understands that a substantial likelihood of litigation commenced by those opposing the project exists. The City shall not be responsible for any delay engendered by litigation and any prohibition of the City from joining in the project by a court of competent jurisdiction shall not be deemed as a determination by the City not to proceed with the project.

This agreement shall be effective on the date of the enabling resolution and shall remain in effect until April 2, 1981.

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working out detailed agreements related to the project. The City agrees to appoint such a person before December 31, 1980, and to begin such discussions in early January, 1981.

5. The City agrees to investigate the necessary arrangements required to establish a non-profit corporation capable of issuing tax-exempt bonds for the purposes of financing the proposed parking garage and any other appropriate public improvements.
6. The City agrees to use its best efforts to identify federal or state grants to assist in the financing of the project from sources such as the HUD UDAG program, the Economic Development Agency (EDA) and others. In the event that the City determines it cannot obtain sufficient federal or state funds, the City will determine the maximum amount of such funds available for the project and will so advise Strouse, Greenberg so that Strouse, Greenberg can proceed with an alternate downtown development program. The City will also make every effort to identify grant sources for off-site costs for improvements to roads, utilities, etc. and prepare appropriate time schedule for such improvements.
7. The City will take all steps on a schedule designed to allow City Council to determine whether or not to proceed with the project by April 1, 1981.

In the event some contingency arises which in the opinion of either party, frustrates the possibility of the project and makes further expenditures of time and funds unwise, then either party may terminate its obligation to incur further expense under this memorandum of agreement by seven days written notice to the other party (by personal receipt or certified mail). Such termination shall not, however, affect the obligations of the parties as to

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- (4) That the City approve the non-profit corporation.

"The agreement calls for the City to examine the non-profit corporation to have an IRS review of such a non-profit corporation and such a corporation would require the City to establish it in much the same way that the City established the health-care facility board about two years ago for another project."

- (5) That concrete approval from anchor stores is obtained.

"In the Memorandum of Understanding, item 3 on page 3, Strouse-Greenberg agrees to work diligently to obtain commitments from department stores and hotel/management corporations suitable for inclusion and documentation in an UDAG application to be submitted by mid-1981. That sounds rather simple on the surface but those of you that have had responsibility for preparing a UDAG application - you just can't come in and say we're going to get a hotel to put up a facility - you have to name the firm and supply very detailed information about the firm and its proposal and HUD will review that in a great detail to determine whether or not that particular hotel could do the work."

- (6) That a federal grant application must be approved by the City Council.

"We should be able to determine, in fact the agreement calls for this, that by April 1, 1981, we will know whether or not to pursue the federal grant. The federal grant application is required to be approved by the City Council in open meeting so when we get to that point all the information that we have pertinent to that UDAG application will be available for the Council and presented to the Council."

- (7) That rents/lease payments must be adequate to cover debt service.

"From the preliminary information that I have seen, this appears to be adequate, but again there is not sufficient detail, and I'm not a skilled enough person in finance to know all the ramifications of this kind of financing and this is why I had asked the Council to agree to hiring a consultant firm familiar with this kind of work and we are proceeding with that."

- (8) That City Council approve final plans and specifications as to architectural design.

"This is a requirement in the Council's Zoning Ordinance, that group development plans be submitted to the Council and this would proceed much the same way."

- (9) That the developer/non-profit corporation comply with all ordinances of the City and laws of the State of North Carolina.

"There is no problem in complying with those conditions."

The City Manager said the other items on the agenda also comply with the requests of this Memorandum of Understanding. He said a motion would be considered appointing the City Manager as the liaison between the City and Strouse-Greenberg. He said he would consider that to be a team effort involving himself, a representative of the finance consulting firm, an attorney and several of the City's staff members to deal on a day-to-day basis with the representatives of Strouse-Greenberg.

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ATTEST:

STROUSE-GREENBERG AND COMPANY

BY: _____

ATTEST:

CITY OF ASHEVILLE

BY: _____

Referring back to the July 24, 1980 letter to Joe Lowrance of Strouse-Greenberg, the City Manager made the following comments relative to each condition as it related to the Memorandum of Understanding:

- (1) That a favorable relocation plan is implemented for existing businesses and residences.

"That is a very complicated and expensive requirement. If the Council approves the Memorandum of Understanding with Strouse-Greenberg there is also a resolution on today's agenda requesting the Housing Authority to proceed with these type plans. We have an estimate from the Housing Authority that this will cost \$112,000, the majority of that cost going to legal services and appraisal fees in that each parcel will have to be appraised twice, by independent appraisers, so that the other thing that runs this cost up is the compact time that we are dealing with in that these studies, the detail plan has to be completed by April 1, 1981. So that, is part of Council's consideration today." He said it has to be in this detail to be approved by HUD and in order to give the Council some idea of possibilities of relocation and the cost therein.

- (2) That the area meets the criteria of the N. C. General Statutes for redevelopment of blighted areas.

"This has been done. The Mayor has received a letter from Jesse Ray, Chairman of the Housing Authority, suggesting a resolution be considered by Council and that the Planning and Zoning Commission did certify the study area meets the blighted standards described in General Statutes 160A-503.10."

- (3) That there is no financial liability whatsoever to the City other than the normal costs of City service delivery to any business or residence.

"We can not determine those kinds of things unless we enter into this type of agreement and that again is one of the purposes of this agreement. To find out where water lines are going to go, who is going to pay for them, who is going to be responsible for maintenance of certain areas within the project area. This is the kind of detail we will be getting into in the list that will be shared amongst the representatives of Strouse-Greenberg and the City and that's the purpose of the Memorandum."

Norman Mello said he is the owner and manager of the Cori-Lee Manufacturing Company and employees about 25 people. He asked if he had to be relocated will the City pay the difference in his rent, if it increases. He asked if they would also pay for the moving and the loss of business during the moving period.

The City Manager responded that the agreement with the Housing Authority would address such issues.

Wayne Caldwell, representing Save Downtown Asheville, said no one has had the opportunity to review the Memorandum of Understanding. He requested that their attorneys be given an opportunity to study the Memorandum of Understanding and that Council not actually pass on this Memorandum of Understanding today but at the next meeting. He said a lot of money is being considered in the project and a lot of care taken on the project and he felt his request would not necessarily delay the project any more than it already has been.

Larry Hutton representing the Central Asheville Association said his Association is wholeheartedly in favor of the proposed downtown mall. He said economically the City is now looking at \$66,000 in tax revenues and in the future at 1/2 to 3/4 million in income tax wise to the City and County or ten times the current revenues. He said the Central Asheville Association membership has shown a deterioration and there is no indication that it will not continue under the present situation. He said the proposed mall will be providing approximately 2,000 jobs.

Michael Southern of 188 Tacoma Circle, representing the Western Office of the N. C. Division of Archives and History, said the Central Business District is listed on the National Register of Historical Places. He said this fact should be considered in reviewing the proposed project. He said the requirements set forth in Section 106 of the National Historic Act should be adhered to in considering the proposed project.

Upon inquiry of Councilman Cole, Mr. Southern said there is no structure located in the proposed Strouse-Greenberg area that is designated a historic structure. He said two buildings in the area are key buildings for being on the National Register but the area is within the National Register District. He said he could not name a specific property or property owner in the proposed Strouse-Greenberg area that has taken advantage of the grants available from the Department of Archives and History.

John White, minister of Mt. Zion Baptist Church, 47 Eagle Street, said his congregation would like to go on record as being in favor of the Strouse-Greenberg project.

Jack Woodcock, Jr. property owner in the area, spoke in favor of the Strouse-Greenberg project. He said he felt this project would put Asheville ahead for many years. He referred to such projects in Pittsville, Mass., and New Haven, Conn.

Leon Rocamora, 411 Midland Drive, co-owner of Asheville Showcase and Fixture Company, 57 Broadway, spoke in favor of the Strouse-Greenberg project. He said in polling the area, and he said he had a signed listing of those he was able to contact, the following businesses endorsed the Strouse-Greenberg project or a downtown shopping complex - Hutchison-Biggs; R-Jam Surplus, Minico, Inc.; Oriental Rug; Fred Hudgins; Doll House Cafe; Business Machines, Inc.; Morehead Company; James M. Gudger; Howard Collins; Sam Young; Ladd's Seafood and Dick Mosely. He said all these businesses are in the area proposed for development.

He said the last item being a budget amendment in the amount of \$225,000 to be used for \$112,000 for the Housing Authority, \$15,000 in legal fees, and he would estimate \$5,000 of the \$15,000 to be for bond attorney examination of the feasibility of this financing, \$50,000 in the event the City does have to pay its proportionate share, according to the Memorandum of Understanding, with Strouse-Greenberg. He said he did not at this time have an estimate from the finance consultant, which is not due until January 5, 1981. He estimated that cost to be \$50,000.

Upon inquiry of Councilwoman Price, the City Manager said the consultant financial firm would also be looking at other proposals submitted in some detail.

The City Manager said the funding for the \$225,000 will come from Community Development funds, private or governmental non-ad valorem tax funds. He said he was awaiting a final answer from HUD but there doesn't appear to be a problem in financing a considerable amount of this cost out of the Community Development fund.

He said this is a very complicated project and everyone in attendance at the meeting today has an interest in this project. He said certainly everyone including the City wants to proceed with caution, but proceed. He said this seems to be a logical way to take the next step that would cover all parties involved. He said the document has been reviewed by the City Attorney and he is in agreement that we are in good legal standing where we can proceed.

Mayor Trantham commented that he felt every precaution has been taken to protect the taxpayers in the unforeseen cost involved in the project.

Mayor Trantham said the ground rules for conducting the public hearing will be that a main spokesman for the opponents and proponents will be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. Those wishing to speak against the issue will be called on first then those wishing to speak for the issue will be called on. He asked that the speakers not repeat what someone else has already said.

Councilman Wilkes said in understanding the project the Council has tried to look at every aspect. He said one of his main interest has been and will continue to be is the relocation, if need be, of the existing proprietors and owners of businesses in the proposed area. He said he has been assured by Council members, by all persons involved that the part of relocation would be duly considered, and that everyone would be given the attention and if they have to move they would move them to a good location.

Joe Lowrance, representing Strouse-Greenberg and Company, said his company has worked very long and hard with the City Manager to develop this Memorandum of Understanding. He said they are completely in agreement with the Memorandum of Understanding and are prepared to move forward on the project along these lines. He said he felt this would represent a great giant step in realizing their dream for Asheville.

T. D. Robinson, of the Reems Creek Valley Township, said he feels the Strouse-Greenberg Company is not capable of fulfilling the requirements to revitalize and restore downtown Asheville. He said Asheville is unique and whatever is done should be unique. He said existing structures and businesses should not be destroyed for one's personal gain. He requested Council not to conclude the Memorandum of Understanding.

Councilwoman Price said she feared the proposed outlying malls will continue to deteriorate the downtown Asheville. She said part of the \$225,000 being appropriated would be used to consider other proposed projects for downtown if the Strouse-Greenberg project is not accepted. She said she felt Council should proceed with the Memorandum of Understanding.

Mayor Trantham said the purpose of the action to be taken, by Council today, is to get more information relative to the Strouse-Greenberg project.

Mayor Trantham asked if any member of Council wished to make a motion relative to the request to delay action on the Memorandum of Understanding until January 8, 1981.

There was no motion made to delay action until January 8, 1981.

The City Manager presented a letter from Dr. John Holt M.D. addressed to Mayor Trantham supporting the Strouse-Greenberg project.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 80-233 was unanimously adopted.

Complete text of Resolution No. 80-233 will be found in Resolution Book No. 12 at page 268.

The City Manager noted that if anyone wanted a copy of the Memroandum of Understanding they could obtain it from the City Clerk after 11:00 a. m. on Tuesday, December 23, 1980.

RESOLUTION NO. 80-234 - RESOLUTION REQUESTING THE ASHEVILLE HOUSING AUTHORITY TO PROCEED WITH THE REDEVELOPMENT PLAN FOR THE NORTH LEXINGTON AVENUE STUDY AREA

2. Consideration was given to a resolution requesting the Asheville Housing Authority to proceed with the redevelopment plan for the North Lexington Avenue Study area.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-234 was unanimously adopted.

Complete text of Resolution No. 80-234 will be found in Resolution Book No. 12 at page 269.

APPOINTMENT OF CITY MANAGER - LIAISON BETWEEN CITY OF ASHEVILLE AND STROUSE-GREENBERG

3. Consideration was given to a motion appointing the City Manager to act as formal liaison between the City of Asheville and the Strouse-Greenberg Company for purposes of conducting the final phases of the project feasibilities.

The City Manager said this action is called for in the Memorandum of Understanding.

Andrea Austin, spoke in opposition to the Strouse-Greenberg project. She said Council should not push out the existing new improvements.

Gerald Brown of 136 W. Chestnut Street, spoke in opposition to the Strouse-Greenberg project. He requested that Council postpone action on the Memorandum of Understanding and put the issue to a public referendum.

Lou Millan, 1010 Oteen Church Road, and owner of T. S. Morrison Hardware Company at 39 N. Lexington Avenue, opposed the Strouse-Greenberg project and stated that he was concerned about the expenditures of the taxpayers funds for such a project. He said the federal funds involved in the funding is also local taxpayer's money.

Margaret Muller of 63 Cumberland Avenue said she was disturbed that the Strouse-Greenberg project would cause the demolition of many historical buildings. She said it would rip the heart from Asheville. She said Council should have more citizen participation, and schedule meetings when more people can attend. She said Council should ask the people how they want to spend the \$225,000 proposed for the project.

Charles R. Mosely, Minister of Nazareth First Baptist Church, said he represented the Interdominational Ministry Alliance of Asheville which comprises all the churches of the minority race in the City. He said after reviewing the project his association would like to go on record as being in favor of the Strouse-Greenberg project.

Barbara Keleher of 18 Maywood Road, spoke in favor of the Strouse-Greenberg project. She said a mall will be built in the western area and she feared that would kill downtown. She said the Strouse-Greenberg project would increase the tax base in downtown.

Jan Schochet, 111 Lakeshore Drive, said she owned the Dancer's Place and Heritage Music Company, in the downtown area. She said she resented the timing of this meeting right before Christmas. She opposed the Strouse-Greenberg project. She said as many businesses as they are in downtown, downtown is not blighted. She said the existing businesses in the proposed area are being prosperous. She said she felt \$225,000 is a lot of money to spend, just to decide whether or not to proceed with the project.

Matthew Bacoate, Jr., 129 Roberts Street, spoke in favor of the Strouse-Greenberg project. He said he was in favor of revitalizing the total City of Asheville.

Councilman Cole made comments relative to the need to conduct the study relative to the Strouse-Greenberg project. He said Strouse-Greenberg Company will need to be concerned about the interest rates because they are going to have to sell bonds in order to finance the project. He said but first of all they need a working agreement with the City of Asheville.

Councilman Wilkes said he felt this project is not a small endeavor. He said the action to be taken here today will allow Council to determine what decision to make on the Strouse-Greenberg project.

Thursday, January 8, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, Walter R. Boland, F. Jack Cole and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr. (sick)

INVOCATION

The invocation was given by Councilman H. C. Wilkes

APPROVAL OF THE MINUTES OF THE DECEMBER 18, 1980 MEETING AND THE SPECIAL MEETING OF DECEMBER 22, 1980

1. Approval of the minutes of the December 18, 1980 meeting and the special meeting of December 22, 1980.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the minutes of the December 18, 1980 meeting and the special meeting of December 22, 1980 were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY AT THE CORNER OF HAZEL MILL ROAD AND HANSEL STREET

ORDINANCE NO. 1199 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property at the corner of Hazel Mill Road and Hansel Street)

2. A public hearing was held relative to rezoning property at the corner of Hazel Mill Road and Hansel Street.

Mayor Trantham opened the public hearing at 4:13 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Enrick, Planning Director, said that the Planning and Zoning Commission, at its meeting held on December 3, 1980, considered the petition of Dickie Plemmons that Ward 6, Sheet 16, Lot 321 be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. After discussing the issues of this request, the Commission voted to recommend to City Council that the property be rezoned as petitioned.

Mr. Dickie Plemmons, lessee of property, explained that his reason for requesting the rezoning is to demolish the old wooden sign, presently located on the property and permitted by the grandfather clause, and to install a nicer sign. He explained that the owner of this property, Ms. Edna P. Riddle, has given him permission to request this rezoning.

Mayor Trantham closed the public hearing at 4:18 p.m.

Councilman Cole moved to appoint the City Manager to act as formal liaison between the City of Asheville and the Strouse-Greenberg Company for purposes of conducting the final phases of the project feasibilities. This motion was seconded by Vice-Mayor Morris and carried unanimously.

BUDGET AMENDMENT - ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

4. The City Manager presented a budget amendment in the amount of \$225,000 amending the Asheville-Buncombe Revitalization Fund to establish initial funding for the Asheville Downtown Commercial Complex. Funding to be provided by use of Community Development, private or governmental non-ad valorem tax funds.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

ADJOURNMENT

At 5:10 p. m. Councilwoman Price moved that the meeting be adjourned. This motion was seconded by Councilwoman Price and carried unanimously.


MAYOR


CITY CLERK

Mr. Clark Brown, Director of Public Works, said that he felt the amount of \$20,500 would cover the road improvements.

Upon inquiry of Councilwoman Price, Mr. Brown said that other properties would be involved in the right-of-way acquisition other than the Cinnamon Ridge Development's property.

Upon inquiry of Councilman Boland's question as to the increase of traffic flow, Mr. Brown stated that the road improvements would minimize this problem.

Mayor Trantham then stated the ground rules for conducting the public hearing. He said that a main spokesman both for the opponents and proponents will be allotted a time limit of ten (10) minutes each. All others who wish to address the Council will be allotted a time limit of three (3) minutes each. Those wishing to speak against the issue will be called on first then those wishing to speak for the issue will be called on. He asked that the speakers not repeat what someone else has already said.

Mr. Tom Duvall of 55 Waters Road said he was not opposed to progress, but requested Council to give consideration to the following issues:

- 1) Should the Haw Creek area have to absorb more rental housing or apartment complexes than other areas of the City?
- 2) Consider the fact that the majority of the residents of this area are over 50 years of age and some older than that.
- 3) Consider the traffic congestion and the fact that the increase in traffic volume will make the area become more littered.
- 4) Consider the number of children that will be added to an already overburdened school district.
- 5) Consider the fact that the streets are already in poor condition.
- 6) Consider that the houses in this area are built very close to each other.

Mr. Duvall said that if Council thought it in the best interest of the City to pass the ordinance, then some substantial improvements should be made to the roads before construction of the apartment complex was permitted.

Dr. Reginald Teague, Principal of Haw Creek School, referred again to the letter written to Dick Wood from Verl L. L. in 1974 and the road improvements which were recommended prior to developments taking place in the area. Of the several improvements which need to be done, he said only one had been completed. He also brought up the width of the school buses and the fact that they could not pass safely on the narrow roads.

Councilman Wilkes inquired about the approximate rental of the apartments.

Mr. E. E. Blalock, Vice President and General Manager of the Mark Companies of America, Inc., replied that a survey had been paid for by his company concerning

Mr. Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Cole moved for the adoption of Ordinance No. 1199. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1199 passed on its first reading.

CONTINUATION OF A PUBLIC HEARING - GROUP DEVELOPMENT - CINNAMON RIDGE APARTMENT COMPLEX - HAW CREEK ROAD

3. A public hearing was continued relative to the site plan of the proposed Cinnamon Ridge Apartment Complex to be located on Old Haw Creek Road.

Mr. Emrick said that he had met with the developer regarding road improvement costs. He then read the following letter:

"January 8, 1981

Mr. Kenneth Michalove
City Manager
City of Asheville
Box 7148
Asheville, N.C. 28807

Re: Cinnamon Ridge Apartments

Dear Mr. Michalove:

In reference to the Cinnamon Ridge Apartment Complex, this letter is to confirm our understanding with the City of Asheville regarding the street improvements at the intersection of Old Haw Creek and Middlebrook Roads. The conditions of this agreement are as follows:

1. The City of Asheville will provide the required off-site street improvements necessary for approval of the Cinnamon Ridge Apartment Project by the City.
2. The design and construction of the street improvements will be the responsibility of the City of Asheville.
3. Cinnamon Ridge, Ltd. will pay the City of Asheville the sum of \$20,500 as their total share of the costs involved in providing street improvements to the proposed Cinnamon Ridge Site.

If we may be of further assistance, please advise me at (703) 989-6881.

Sincerely,

THE MARK COMPANIES OF AMERICA, INC.

s/David W. Reeves
Vice President

cc: Cinnamon Ridge, Ltd.
Joseph Griggs Associates, Inc.
DWR/pal"

294
City Council instructed the City Manager to include the study of mobile home park developments within the City as an element of their future work program.

ANNOUNCEMENT - COUNCILMAN BOLAND

Councilman Boland made the announcement that he had just received word of the death of Ex-City Councilman Ruben J. Dailey.

City Council expressed their condolences to his family.

ORDINANCE NO. 1197 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property located at 171 Hillside Street)

4. Consideration was given to the third and final reading of Ordinance No. 1197, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property located at 171 Hillside Street.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1197 passed on its third and final reading.

Complete text of Ordinance No. 1197 can be found in Ordinance Book No. 9 at page 188.

ORDINANCE NO. 1198 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning the Emma Air Park Property)

5. Consideration was given to the third and final reading of Ordinance No. 1198, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning the Emma Air Park Property).

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1198 passed on its third and final reading.

Complete text of Ordinance No. 1198 can be found in Ordinance Book No. 9 at page 189.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - FISCAL YEAR 1980-81

6. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$7,233 to appropriate money for the purchase of a pick-up truck for the Municipal Golf Course. He said the truck was originally budgeted for Fiscal Year 1979-80, but purchase was delayed until this fiscal year. He said these funds will come from Revenue Sharing Fund - Non-departmental contingencies.

the rental market in this area and the study revealed that there was a need for rental apartments in this area. He said the rental rates would be based on the prevailing market requirements and at this time he would estimate a 3-bedroom, 2-bath apartment to rent between \$350 to \$375 per month. He said this development is not government subsidized.

Councilwoman Price asked how the present homeowners will be buffered from the apartment complex.

Mr. Emrick said there is some natural buffering on New Haw Creek Road, but that the Council could require the entire perimeter be planted.

City Manager Michalove advised Council that Council could grant a conditional approval to the site plan with the condition being that the developer pay for the needed improvements to the intersection. He said he would also need a separate motion from Council authorizing him to have the staff start on the right-of-way acquisition and this work. He explained that it would not be feasible for the road improvements to be made prior to the construction of the apartment complex because the heavy trucks would break up the asphalt, which is very expensive. He advised that putting down a rock base might be the best solution for the time being.

Mr. Blalock stated that he would be pleased to post with the City a letter of credit guaranteeing the payment of the road improvements.

In response to Dr. Teague's statement concerning a need for more recreation facilities in the area, the City Manager said part of the water agreement calls for the City and County Parks and Recreation Boards to get together and begin consolidating their efforts along these lines and they do recognize the need in this area.

Mayor Trantham closed the public hearing at 5:05 p.m.

Councilwoman Price moved for the approval of the site plan of the proposed Cinnamon Ridge Apartment Complex subject to the conditions provided for by the Planning and Zoning Commission, that money for road improvements be secured with a letter of credit from the developer, and that the developer add the maximum number of trees between the project and Mr. Cathey's with a minimum height of 12 feet after the first growing season. This motion was seconded by Councilman Wilkes and carried unanimously.

Councilwoman Price then moved that Council instruct the City Manager to have the Street Department proceed immediately with the road improvements at the intersection of Middlebrook and Old Haw Creek Roads. This motion was seconded by Councilman Wilkes and carried unanimously.

Mayor Trantham suggested that the Council take a closer look at the demand of mobile homes in the future because young people cannot afford apartments and the rising housing costs.

Councilman Cole suggested that a specific study be made of the development of mobile home parks within the City.

Mr. Emrick stated that he knew of no major move in the direction of mobile home park developments in the City.

Mr. J. E. Johnson, Chief Building Inspector, said that he would meet with Council in their work session next week and brief them on mobile home parks.

motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-1 - Resolution authorizing Grove Park Inn to encroach upon the right-of-way of Kimberly Avenue.

HIGHLIGHTS: The Grove Park Inn has requested permission to encroach upon the right-of-way of Kimberly Avenue, for the purpose of placing deterrent posts to prevent vehicles from entering the Golf Course and causing damage to fairways and property of the Grove Park Inn. This request has been investigated by the Director of Public Works and, in his opinion, would not hinder the safe flow of traffic or pedestrian movement along the above mentioned street.

Resolution Book No. 12 - page 270.

- B. Resolution No. 81-2 - Resolution authorizing the Mayor to execute a deed accepting a five foot strip of land adjoining a fifteen foot alley (East Hawthorne Drive) off Marlborough drive for the paving and maintenance of said East Hawthorne Drive with a minimum twenty foot right-of-way.

HIGHLIGHTS: The City of Asheville has been petitioned by the property owners of East Hawthorne Drive to pave, maintain and sign said street and have agreed to pay all costs incurred. The owners have agreed to deed the additional five foot strip of land adjacent to the alley required to execute said project.

Resolution Book No. 12 - page 271.

- C. Approval of bids received December 1, 1980 for one passenger vehicle and two light trucks.

HIGHLIGHTS: Four (4) bids were received. Recommendation of acceptance of low bidder, Apple Tree Chevrolet in the amount of \$7,166.10 for one light truck - 4 wheel drive w/pick-up bed for Water Production. Recommendation of acceptance of low bidder, Dorato Motors, Inc. in the amount of \$7,232.65 for Light Truck w/dump bed for Parks and Recreation Department. Recommendation of acceptance of low bidder, Apple Tree Chevrolet in the amount of \$5,590.13 for Passenger Vehicle - sub compact for Water and Sewer. Sufficient funds are available for these purchases.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - GRANT PROGRAM - FISCAL YEAR 1980-81

7. Consideration was given to a budget amendment amending the Grant Programs budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$1,656 to appropriate money to be received from an Intergovernmental Personnel Act Grant awarded by the State of North Carolina Department of Administration for Fiscal Year 1980-81. He said the grant application was approved by City Council Resolution No. 80-126. He said the money will be used to develop an affirmative action and equal employment opportunity training program for the City's supervisors and administrators.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1200 - AN ORDINANCE AMENDING THE WATER AND SEWER CAPITAL CONSTRUCTION FUND CAPITAL PROJECTS ORDINANCE IN EFFECT AS OF JULY 1, 1980

8. Consideration was given to an ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance in effect as of July 1, 1980.

The City Manager read the ordinance stating that this was just to finish up some projects that needed to be done and for the change in costs.

Councilwoman Price moved for the adoption of Ordinance No. 1200. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1200 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1200. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1200 passed on its second reading.

Councilwoman Price then moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1200. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1200 passed on its third and final reading.

Complete text of Ordinance No. 1200 will be found in Ordinance Book No. 9 at page 191.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one

Thursday, January 15, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, Walter R. Boland, F. Jack Cole and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr. (sick)

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 8, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the January 8, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-3 - RESOLUTION IN MEMORY OF RUBEN J. DAILEY

2. Consideration was given to a resolution in memory of Ruben J. Dailey.

Councilman Wilkes read the resolution expressing the Council's deep sorrow over the passing of this former member of City Council.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 81-3 was unanimously adopted.

Complete text of Resolution No. 81-3 will be found in Resolution Book No. 12 at page 272.

ORDINANCE NO. 1201 - AN ORDINANCE AUTHORIZING THE CREATION OF A SUPPLEMENTAL ANNUITY FUND FOR CERTAIN FORMER CITY EMPLOYEES AND SURVIVING SPOUSES WHO ARE RECEIVING PENSION BENEFITS FROM THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND OR THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM

3. Consideration was given to an ordinance authorizing the creation of a supplemental annuity fund for certain former city employees and surviving spouses who are receiving pension benefits from the Asheville Policemen's and Disability Fund or the North Carolina Local Governmental Employees Retirement System.

The City Manager read the resolution. He explained that this is a fringe benefit to increase pension benefits to retirees or survivors of retirees qualified under a City of Asheville Pension Plan, however, considered to be in a hardship situation whereby their combined income from the City retirement, Social Security, State Pension and for Federal Pension is at least \$200.00 monthly.

Councilmen Cole, Wilkes and Boland all felt that this ordinance is a step forward in the right direction in solving this problem.

COUNCILMAN BOLAND - JOINT PLANNING VENTURE WITH THE COUNTY OF BUNCOMBE

Councilman Boland commented on a cooperative planning venture with the County on development of certain areas of joint jurisdiction. He suggested that this be a subject for future work sessions.

COUNCILMAN BROWNLEE - RETIRED POLICE PENSION REPORT

Upon inquiry of Councilman Brownlee, City Manager Michalove advised that at Tuesday's work session, Council would discuss the options regarding the hardship cases of the retirees in the police and fire pension plans.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PLAQUE IN APPRECIATION TO THE CITY OF ASHEVILLE

City Manager Michalove stated that the City of Asheville received a plaque from the North Carolina Department of Transportation thanking the City for their participation in their recent meeting and also the grand opening of the Open Cut.

ANNOUNCEMENT BY CITY MANAGER - SELECTION OF FIRM TO ANALYZE DOWNTOWN DEVELOPMENT PROJECT AREA

The City Manager said that during an Executive Session prior to today's meeting, he had reviewed the various proposals he had received to provide a financial analysis of the Downtown Development Project area. He said after his review, Council concurred with his selection of Price and Waterhouse to do the analysis. He said he would contact Price and Waterhouse to work out the specifics of the agreement.

PETITION

The City Manager said that he had received a petition to rename a section of Tulula Street to Old Asheland Avenue.

City Manager Michalove said that he would have staff review this and obtain their recommendations.

CLAIMS - JACK BABB, FRANCIS ROLAND, RANDY C. ALMENDINGER, GRADY BEACHBOARD, C. W. ROTHROCK, J. N. CLEMMONS, VICTOR SLOAN, JOHN EVANS AND H. J. CANTER

The City Manager presented claims received from Jack Babb, Francis Roland, Randy C. Almendinger, Grady Beachboard, C. W. Rothrock, J. N. Clemmons, Victor Sloan, John Evans and H. J. Canter.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

At 6:00 p.m., Councilman Cole moved that the meeting be adjourned. This motion was seconded by Councilwoman Price and carried unanimously.


MAYOR


CITY CLERK

decided to go with. He said regardless of what is done in the Lexington Avenue area, there is a certain level of this kind of examination that has to take place. He said hopefully the project would be self-supportive and the revenues from lease would pay for the City's on- and off-site costs related to that project. He felt that the City was proceeding in a practical way.

Mr. Wayne Caldwell spoke against spending any tax monies, whether they came from HUD, Community Development, ad valorem, etc.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-4 was unanimously adopted.

Complete text of Resolution 81-4 will be found in Resolution Book No. 12 at page 273.

CITY COUNCIL LEGISLATIVE PROGRAM FOR THE 1981 GENERAL ASSEMBLY

6. A discussion was held relative to the City Council Legislative Program for the 1981 General Assembly.

Mike Smith, Director of Administration, briefly reviewed the City Council Legislative Program to be submitted to the 1981 General Assembly. He said the Legislative Program includes the following areas: A. State Office Building; B. Local Legislation, (1) Organization of City Departments and Divisions, (2) Requirements for leasing City property, (3) Firemen's Pension and Disability Fund, (4) Jurisdiction of policy, city ordinances and city license schedules at the Asheville Regional Airport, (5) Civil Service Law, (6) Board of Tax Supervision, (7) Lease of property by the City in UDAG Projects, (8) Lease of land by the Asheville City Council and the Asheville Housing Authority, (9) Repeal of the Boxing and Wrestling Commission, (10) Statement of City Council's position regarding changes or modification in statewide law on annexation, (11) Local modification of general statutes exempting the City of Asheville permit provisions relating to prize fighting, (12) Effective dates of ordinances, (13) Local modification to general statute prohibiting dual membership in two state pension plans, and (14) Closing of public parks and recreation facilities; C. Statewide Legislative Goals, (1) North Carolina League of Municipalities Legislative Program, (2) Emergency medical services funding, (3) ABC Revenues, (4) State mandated program funding, and (5) Regulation of dealers of second-hand goods.

Mayor Trantham noted that no action would be taken by Council today on the Legislative Program. He said the briefing was given in order to have publicity relative to the Program, proposed to be submitted to the 1981 General Assembly.

BUDGET AMENDMENT - WATER AND SEWER SERVICES - BUDGET FOR 1980-81

7. Consideration was given to a budget amendment amending the Water and Sewer Services budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$17,400 to provide funds for equipment needed in ~~conversion~~ to a new water billing system.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

Councilman Brownlee stated that he intended to vote in favor of this ordinance even though deep down in his heart he did not agree with it. He further stated that he felt that the retired policemen's and widow's pension and disability fund had turned into a political issue and he resented it.

On a roll call vote of 6-0, Ordinance No. 1201 passed on its first reading.

ORDINANCE NO. 1199 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property at the corner of Hazel Mill Road and Hansel Street)

4. Consideration was given to the second reading of Ordinance No. 1199, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (rezoning property at the corner of Hazel Mill Road and Hansel Street).

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1199 passed on its second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1199.

On a roll call vote of 6-0, Ordinance No. 1199 passed on its third and final reading.

Complete text of Ordinance No. 1199 will be found in Ordinance Book No. 9 at page 190.

RESOLUTION NO. 81-4 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR THE PREPARATION OF A REDEVELOPMENT PLAN

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to sign an agreement with the Housing Authority of the City of Asheville for the preparation of a redevelopment plan.

The City Manager read the resolution. He said that the funds, in the amount of \$112,000 earmarked by Resolution No. 80-234, for this plan include a detailed relocation of businesses and development at exists now. He said it would cover detailed appraisals so that the City will have an idea of what the property values are at the present time.

Mr. Herman Medler requested more background information and facts be available to the public concerning money matters.

Mr. Ralph Bishop spoke in opposition of the money being spent.

Upon inquiry of Councilman Wilkes, City Manager Michalove explained the source of the money. He said for the Strouse-Greenberg project, the bulk of the funds are Community Development or they are through sources other than ad valorem tax. He said that if the project is developed, they would go in the direction of an Urban Development Action Grant and the costs are recoverable as part of that grant. He felt that much of this work would have to be done no matter which proposal Council

- B. Resolution No. 81-6 - Resolution authorizing the Mayor to enter into a License Agreement with the Tennessee Earthquake Information Center.

HIGHLIGHTS: The City of Asheville owns and operates a transmission tower and radio facilities located on Patton Mountain. The Tennessee Earthquake Information Center of Memphis State University desires to locate a receiving antenna and relocated equipment on said Tower. This resolution would authorize the Mayor to enter into an agreement with the Tennessee Earthquake Information Center for a two year period beginning January 1, 1981. In addition, the Tennessee Earthquake Information Center agrees to pay the City, as a license fee, the sum of \$25.00 per month during the license period.

Resolution Book No. 12 Page 275.

- C. Resolution No. 81-7 - Resolution authorizing the Mayor to enter into a two (2) year agreement with the owners of "Mountain Meadows Ranch" at Peach Knob.

HIGHLIGHTS: The City of Asheville presently owns and operates a radio transmission system located at Peach Knob. It is the desire of the City of Asheville and the present owners of the Peach Knob site located at "Mountain Meadow Ranch" to continue the City's lease. This resolution would authorize the Mayor to enter into an agreement with the owners of "Mountain Meadows Ranch" for a two year period beginning December 1, 1980. In addition, the City of Asheville agrees to pay the owners of "Mountain Meadows Ranch," as rental for said premises, a sum of \$100.00 per annum.

Resolution Book No. 12 Page 276.

- D. Resolution No. 81-8 - Resolution appointing members to the Board of Directors of the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: This resolution would reappoint Libby Henry Ramsey and James M. Pressley to serve on the Asheville Buncombe Community Relations Council for a term of office of three years, terms expiring December 31, 1983.

Resolution Book No. 12 Page 277.

- E. Resolution No. 81-9 - Resolution appointing members to the Asheville Transit Authority.

HIGHLIGHTS: This resolution would appoint Murray A. Miller and Warren L. Bock as members of the Asheville Transit Authority to serve for a term of five years, term expiring December 31, 1985.

Resolution Book No. 12 Page 278.

**BUDGET AMENDMENT - CITY OF ASHEVILLE 1980-81 - ANNUAL OPERATING BUDGET
CREATION OF DEPARTMENT OF ECONOMIC DEVELOPMENT**

8. Consideration of a budget amendment amending the City of Asheville 1980-81 Annual Operating Budget.

The City Manager presented the budget amendment in the amount of \$40,000, of Sinking Fund windfall money, to establish funds for new Department of Economic Development.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

**BUDGET AMENDMENT - CITY OF ASHEVILLE 1980-81 ANNUAL OPERATING BUDGET - PURCHASE
OF POLICE CARS**

9. Consideration was given to a budget amendment amending the City of Asheville 1980-81 Annual Operating Budget.

The City Manager presented the budget amendment, in the amount of \$20,162, to increase the appropriation for the purchase of 10 new police cars. The accepted bid on the cars came in at \$85,162, \$20,162 more than the \$65,000 budgeted for the cars.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF CONSENT AGENDA

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-5 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: The City has acquired title to land on Valley Street known as the E. Ted Linn property. The existing structure has no beneficial use to the City and must be removed in order to make the site usable for its intended purpose. There is certain equipment with some commercial value in the building. This resolution will authorize the Director of Finance to demolish the structure and to sell the equipment of commercial value located in the structure pursuant to Article V, Section 32 (d) of the City Charter.

COMMENTS RELATIVE TO PROPOSED DeBARTOLO MALL ON BILTMORE ESTATE

Upon inquiry of Councilman Cole, the City Manager said the property in which the DeBartolo Corporation proposes to construct a mall is more than one mile outside the City. He said the proposed mall will affect the City's transportation and water system. He said it is his understanding that the DeBartolo Corporation is interested in being annexed into the City Limits.

CLAIMS - SHERRY PARKER - LOTTIE JEAN FLETCHER - FREDDIE MITCHELL - MS. HERMINE CAMMAROTO - CHARLES PICKELSIMER - MS. JANET PAPONETTI - JACKIE LITTLE - OZELLA JONES

The City Manager presented claims received from Sherry Parker, Lottie Jean Fletcher, Freddie Mitchell, Ms. Hermine Cammarato, Charles Pickelsimer, Ms. Janet Paponetti, Jackie Little, Ozella Jones.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

INVITATION TO WORKSHOP ON TOXIC SUBSTANCES AND HAZARDOUS WASTES

The City Manager presented a letter from Susan M. Smith, Director of Resource Management of Western Carolina University, inviting Council members and staff to attend a workshop on Management of Toxic Substances and Hazardous Wastes at the Biltmore School from 2-5 p. m. on Thursday, January 22, 1981. He said this invitation was a prelude to the Governor's Task Force Town Meeting at the Biltmore School at 7 p. m. on Thursday, January 22, 1981. He said since this is a Council meeting day, City staff members will be attending the meeting.

Councilman Boland requested that the city staff members attending the workshop take notes relative to the meeting and pass them on to Council members.

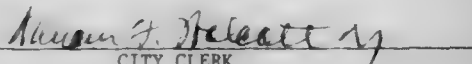
RALPH BISHOP - COMMENTS RELATIVE TO CHIEF HENSLEY

Ralph Bishop made comments relative to Jim Moore, a police officer, questioning him about a recent armed robbery at Petterson's Grill on Pack Square, when he did not know anything about it. He said if any city employee needed to take advantage of the Mental Health Services offered to them as a fringe benefit it would be Chief Hensley and Jim Moore.

ADJOURNMENT

Mayor Trantham declared the meeting adjourned at 5:50 p. m.


MAYOR


CITY CLERK

F. Resolution No. 81-10 - Resolution appointing member to the Metropolitan Sewerage District Board.

HIGHLIGHTS: This resolution would reappoint Frank Smith to serve on the Metropolitan Sewerage District Board for a term of office of three years, term expiring January 19, 1984.

Resolution Book No. 12 Page 279

G. Resolution No. 81-11 - Resolution appointing members to the Board of Trustees of the Firemen's Relief Fund.

HIGHLIGHTS: This resolution would reappoint Webb E. Ellis to serve on the local Board of Trustees of the Firemen's Relief Fund for a term of two years, term expiring January 1, 1983.

Resolution Book No. 12 Page 280

H. Scheduling of a public hearing relative to the site plan of the proposed Deerwood Condominiums, to be located on Hendersonville Road south of the Blue Ridge Parkway for February 5, 1981.

HIGHLIGHTS: The Planning and Zoning Commission, at a meeting held on January 7, 1981, reviewed the site plan of the proposed Deerwood Condominiums to be located on Hendersonville Road south of the Blue Ridge Parkway. After review and discussion, the Commission voted to recommend approval of the site plan subject to the following conditions:

1. Streets, a. The developer has indicated that the streets will remain in private ownership and will not be dedicated to the city or state. Given this assertion, a letter confirming this intent should be presented. Secondly, if the streets are to remain private then the design is acceptable (20' section, 6" compacted base and 1-1/2" of surface covering). However, should the developer intend to dedicate the streets to the city or state, staff recommends that the streets be constructed to city standards: Street Width-24' section, 10" compacted base, 2" surface covering,
- b. The turning radii on the streets circled on the plat should be increased to accommodate fire fighting equipment;
2. Water and Sanitary Sewer, a. Approval of water and sewer plans be obtained from the Department of Human Resources, b. Encroachment agreements and easements with Southern Railway be provided for the 6" water line shown at the northeast corner of the project site, and c. That the developer comply with the recommendations of the Water Department as shown on the attached letter;
3. Compliance with the Erosion Control Ordinance.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

Councilman Boland moved for the adoption of Resolution No. 80-12 contingent upon a Deed of Easement being accepted by the City for the maintenance of a water meter on the right-of-way to be closed. This motion was seconded by Councilwoman Price and carried unanimously.

Complete text of Resolution No. 80-12 will be found in Resolution Book No. 12 at page 281.

ORDINANCE NO. 1201 - AN ORDINANCE AUTHORIZING THE CREATION OF A SUPPLEMENTAL ANNUITY FUND FOR CERTAIN FORMER CITY EMPLOYEES AND SURVIVING SPOUSES WHO ARE RECEIVING PENSION BENEFITS FROM THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND OR THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM

4. Consideration was given to the second reading of Ordinance No. 1201, an ordinance authorizing a minimum pension to individuals that are retirees or survivors of retirees under a qualified City of Asheville Pension Plan.

At the request of Councilman Brownlee, the City Manager re-read Ordinance No. 1201.

Garland Wible, speaking on behalf of the retired policemen, said they did not oppose the proposed ordinance but felt it would discredit the City Council more than it will help them when all the facts are known. He spoke relative to the City violating the pension law for 38 years and now having to play "catch up." He spoke about the 1979 amendment to the plan where a policemen could retire at the age of 55 after 30 years of service. He said that amendment added 8.11 percent to the payroll. He said he could not understand why Council could support such an amendment and deny the retirees and survivors an increase which would only amount to approximately \$60,000.

John Best, a retired police officer, asked what it would cost the city to bring the pensions up to \$200.00 a month. He also asked what would happen to the retired officers who belong to the Law Enforcement Benefit and Retirement Fund if the Police Department employees go under the State Pension Plan. He said he would guess that it would cost the City less than \$500 per year to increase pensions to \$200.00 per month.

The City Manager said the reason the exact cost of implementing the \$200.00 per month pension is unknown is that a survey was sent out to a number of people to determine how many people were under the \$200.00 amount. He said it was only sent to retired police officers and survivors and about a dozen responses have been received indicating that they were in that category. He said the proposed ordinance extends benefits to all retired city employees. He said all the people affected by the ordinance have not been surveyed. He said the City Council asked the General Assembly delegates from Buncombe County, on January 6, 1981, to pass special state legislation that would apply only to the retired police officers and the current police officers that belong to the Law Enforcement plan to belong to two plans. He said if the legislation passes and there is a positive referendum by the police officers that belong to that plan, the officers could belong to both plans and would not lose any benefits.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, Walter R. Boland, F. Jack Cole and H. C. Wilkes; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr. (sick)

BRIEF CEREMONY - RELEASE OF HOSTAGES IN IRAN

Mayor Trantham turned the meeting over to Councilman H. C. Wilkes who introduced Mrs. Allie Swinton, soloist, who led the audience in singing "America the Beautiful." Rev. Robert Wiltshire gave a synopsis of the imprisonment of the hostages. Rabbi Paul Kaplan gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 15, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the January 15, 1981 meeting were approved as submitted.

RECOGNITION OF FIRE CADETS - GEORGE GIBSON - ELWIN CLINEDINST - RONALD EDDINGS - GARY BRIGGS

2. Mayor Trantham recognized George Gibson, Elwin Clinedinst, Ronald Eddings, and Gary Briggs for completing Basic Fire Training in the Fire Cadet Program at the Asheville Fire Department.

PUBLIC HEARING - CLOSING OF A PORTION OF ASHLAND AVENUE

RESOLUTION NC. 80-12 - RESOLUTION TO CLOSE A PORTION OF ASHLAND AVENUE

3. A public hearing was held relative to the closing of a portion of Ashland Avenue.

Mayor Trantham opened the public hearing at 4:18 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

The City Manager said Traynham Houston and wife, Doris E. Houston, William L. Warlick, and wife, Lauretta K. Warlick have petitioned the City to close a portion of Ashland Avenue. He said the portion petitioned to be closed is not a part of the street but a right-of-way that is no longer needed since the realignment of Ashland Avenue due to the completion of the Urban Renewal Program in the area.

There being no further comments, Mayor Trantham closed the public hearing at 4:21 p. m.

The City Manager read the resolution. He said the approval of the resolution should include a motion that the resolution be adopted contingent upon a Deed of Easement being accepted by the City for the maintenance of a water meter on the right-of-way to be closed. He said the Deed of Easement should be accepted by the City at next week's Council meeting.

The City Manager read from Attorney Cogburn's letter dated January 25, 1980 to the Council outlining the retired officers requests and from the "Hutchison report" which was based on Attorney Cogburn's letter. He said the actuarial study done by Hutchison showed that requests (A) and (B) would result in an additional annual cost to the City of \$51,110 per year and request (C) based on a five percent (5%) ad hoc increase to all retirees and survivors, this would be an additional annual cost of \$12,840; for a total cost of \$63,000 - \$64,000. He said if this increase were continued at five percent (5%) per year over a ten year period the City would have to assume an additional annual cost of \$128,400. He said if the increase was on a ten percent (10%) basis, those figures would double. He said those figures would be cut in half if Mr. Wible's suggestions are used. He said the City would still be looking at about \$64,000 for (C) plus \$51,110 for (A) and (B), which would still leave the City in the over \$100,000 cost per year bracket.

At the request of Mr. Wible the City Manager read from "Hutchison's report" dated March 3, 1980 relative to an 8.11 percent increase to the payroll due to the amendment to the plan.

Upon inquiry of Councilman Boland, the City Manager said comparisons are being made between the "1939 plan" and the "LEO" plan. He said he would ask State representatives to come to the Asheville Police Department to go over the differences in the present plan and the State Pension Plan.

At the request of John Best, the City Manager said he would send copies of the proposed legislative package submitted to the General Assembly delegates from Buncombe County to John Best.

Mayor Trantham said he felt the retired police officers and survivors should receive one-half of the percentage of salary increases given to city employees. He said the City has made a detailed study of this request. He said they reviewed a great deal of detail from the retirement actuary and done surveys and examined the money available both now and in the future. He said he personally would like to have given these retirees and survivors and all others what has been requested. However, the reality is that the City simply can not afford it. Therefore, the choice was to do something for those individuals that were in hardship circumstances and continue to work to provide an opportunity for all to become members of the State plan where cost of living and dealing with inflation problems of "fixed" retirement incomes are dealt with in the plan. He said Council got the impression from the retirees that giving attention to the hardship cases was the most important. He said there has been a lot of discussion about how the City can afford \$224,000 for study of the downtown area and new positions and not take care of its retired people. He said again, the reality of this is that most of these funds are special funds with limited use rules and if the City didn't move ahead with these expenses, they would be faced with cutting city services due to decreased tax base. He said the City can not afford to stand still in progress.

Mayor Trantham said there had been several comments made relative to the City Manager's salary. He said, for the record, he would like everyone to know that the City Manager is paid as all other city employees - except he has not taken a 5% performance increase since in office as other employees have received; his benefits are the same as all other employees - nothing special; his current salary is \$35,724 effective July 1, 1980; and by comparison, the City Manager in Asheville is paid lower than others in like cities. He gave comparisons of other cities. He said he thought the City Manager of Asheville comes cheap. He said Council has made a lot of progress and will continue to do so.

Mayor Trantham noted that if the police officers go under the State pension plan, they will receive a cost of living increase each year which will be better than receiving a one time increase from the City. He said that is why Council has been working toward the police officers going under the State pension.

Councilman Boland said the City Council has a moral obligation to other retirees and survivors.

Councilman Wilkes said he felt the proposed ordinance was a step forward in the right direction. He said Council could then push for other measures that would help upgrade the retirees' income. He said everything can not be accomplished at one time.

Mr. Wible said the other city employees have a much better pension plan and have had for many years than the policemen and firemen. He said the general employees are under two pension plans. He said under the old city retirement plan general employees who retired with 15 years of service received one-half the amount they received from Social Security and one-fourth the amount they received from Social Security after 12 years of service. He said he could not understand why the Police and Fire Department employees are not under Social Security as well as a pension plan. He said the general employees receive more after retirement.

The City Manager took exception to Mr. Wible's remarks and said he would prepare a report comparing the pension plans. He said there is a discrepancy in opinions rendered and the facts.

Upon inquiry of Councilman Boland, Mr. Wible said he was not really familiar with the State Pension Plan. However, it is his understanding that the disability benefits under the State Pension plan is not as good as the City's pension plan and the survivor's benefits are not as good as the city's plan. He said if the benefits were as good under the State Pension Plan he would support going under the plan.

The City Manager said Council has the option of granting a one-time adjustment in benefits for retirees and survivors before they go under the State Pension Plan. He asked Mr. Wible if it was his understanding that it would cost \$60,000 to implement the three requests of the retired police officers being; (A) all retirees and survivors being brought up to \$200; (b) those retirees over \$200 up to \$500 be given a 10 percent (10%) increase; (C) those retirees and survivors be given a cost of living increase; when current employees are given an increase that the retirees and survivors be given one-half of the percentage amount given to current employees.

In replying to the City Manager's question, Mr. Wible said in January, 1980 the retired officers agreed to request (A) that immediately the monthly retirement benefit of each retired person or survivor of a retired policeman be increased to \$200 per month; (B) that each retired policeman receiving less than \$500 per month be given an immediate 10 percent (10%) increase; (C) that when the active police are given a percentage increase the retirees and the survivors be given one-half of the percentage increase. He said on February 14, 1980, when Attorney Max Cogburn represented the officers at Council, due to some misunderstanding, Mr. Cogburn requested a 10 percent (10%) increase for all retirees and survivors and that each time the active police receive a percentage increase that the retirees and survivors received the same percentage. He said according to the "Hutchison report" it would cost about approximately \$64,000 to implement the three requests.

RESOLUTION NO. 81-14 - RESOLUTION CONSENTING TO THE ASSIGNMENT OF LEASE AGREEMENT OF RECREATION PARK BY JOHNSON AMUSEMENT RIDES, INC. TO CEBREN P. FISHER

7. Consideration was given to a resolution consenting to the assignment of lease agreement of Recreation Park by Johnson Amusement Rides, Inc. to Cebren P. Fisher.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said the present agreement with Johnson Amusement Rides, Inc. expires on November 1, 1984. He said Cebren P. Fisher has agreed to purchase the rides at the Recreation Park and the Asheville Parks and Recreation Advisory Board feels it would be in the best interest to consent to the assignment. He said the terms of the agreement would remain the same.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-14 was unanimously adopted.

Complete text of Resolution No. 81-14 will be found in Resolution Book No. 12 at page 283.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received December 15, 1980 for ten (10) police patrol vehicles.

HIGHLIGHTS: Two (2) bids were received. Chief of Police Hensley, Superintendent of Motor Transport Pruett and Purchasing Agent Grable recommend award of this bid to the low bidder, Apple Tree Chevrolet, Inc. in the amount of \$85,161.50. Sufficient funds are available for this purchase in the Revenue Sharing Activity.

- B. Resolution No. 81-15 - Resolution authorizing the name "Kenilworth Knoll" to be assigned to an "Unnamed" Street.

HIGHLIGHTS: The City of Asheville has been petitioned by all of the property owners along an unnamed private street to allow the street to be named. This resolution would authorize the private street which intersects Tunnel Road opposite Kenilworth Road, and parallels Lum's Restaurant building and Connie's Fashions building, and serves Asheville Circuit Courts and Asheville Terrace Apartments be established as "Kenilworth Knoll."

On a roll call vote of 6-0, Ordinance No. 1201 passed on second reading.

After discussion, Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1201. This motion was seconded by Councilman Cole and carried on a voice vote of 5-1, with Councilman Brownlee voting "no."

On a roll call vote of 5-1, Ordinance No. 1201 passed on third and final reading with Councilman Brownlee voting "no."

Complete text of Ordinance No. 1201 will be found in Ordinance Book No. 9 at page 192.

Councilman Brownlee said he was opposed to having two readings on the ordinance today. He said he was not too sure of the State Pension Plan.

BUDGET AMENDMENT - CITY OF ASHEVILLE GRANTS PROGRAM BUDGET - FISCAL YEAR 1980-81
GRANT FROM INTERGOVERNMENTAL PERSONNEL ACT

5. Consideration was given to a budget amendment amending the City of Asheville Grants Program Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment, in the amount of \$4,025, to budget for additional money to be received from the State of North Carolina's Intergovernmental Personnel Act grant. The initial appropriation of \$1,656 from the state was budgeted in a motion passed by Council on January 8, 1981. The total expected to be received from the state is now \$5,681.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-13 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT
WITH THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR THE USE OF
BURTON STREET, REID AND SHILOH RECREATION CENTERS

6. Consideration was given to a resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the use of Burton Street, Reid and Shiloh Recreation Centers.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said this lease agreement would provide savings by cooperative efforts between the two agencies.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 81-13 was unanimously adopted.

Complete text of Resolution No. 81-13 will be found in Resolution Book No. 12 at page 282.

RESOLUTION NO. 81-18 - RESOLUTION DIRECTING THE ASHEVILLE HOUSING AUTHORITY, ACTING IN ITS CAPACITY AS A REDEVELOPMENT COMMISSION, TO PROCEED TO DETERMINE THE APPLICABILITY OF ARTICLE 22, CHAPTER 160A-500-526 FOR THE AREA DESCRIBED HEREIN: (DEPOT STREET)

Consideration was given to a resolution directing the Asheville Housing Authority, acting in its capacity as a Redevelopment Commission, to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the area described herein (Depot Street).

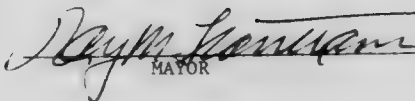
The City Manager read the resolution. He said this resolution was discussed at the pre-Council meeting today and deals with action requesting the Asheville Housing Authority to proceed in analyzing the Depot Street area for a redevelopment area. He said it was his understanding that Council wanted to include as Phase II, the area up to Clingman Avenue, across Clingman Avenue, back to Depot Street and he would proceed with including this area into the phasing.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 81-18 was unanimously adopted.

Complete text of Resolution No. 81-18 will be found in Resolution Book No. 12 at page 287.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY

Mr. Ralph Bishop made comments relative to lottery sales in Asheville.


MAYOR


CITY CLERK

- C. Resolution No. 81-16 - Resolution authorizing the City Clerk to advertise the sale of City of Asheville property, known as Starmount Drive Property (Ward 6, Sheet 32, Lot 53).

HIGHLIGHTS: A bid has been received from Arlis Queen to purchase property owned by the City of Asheville, known as Starmount Drive Property, Ward 6, Sheet 32, Lot 53, in the amount of \$12,185. This resolution will declare the property surplus and authorize the City Clerk to advertise the sale of the property pursuant to North Carolina General Statute 160A-269.

Resolution Book No. 12 Page 285.

- D. Resolution No. 81-17 - Resolution authorizing the Mayor to enter into an agreement to provide parking for persons having business in the Employment Security Commission.

HIGHLIGHTS: C. Wayne Kinser and wife, Catherine W. Kinser, and Robert C. Kinser and wife, Cathryn B. Kinser, are the owners of a certain tract of land described in Deed Book 1008, at page 57 upon which is constructed the Employment Security Commission of North Carolina. The Kinsers wish to provide parking for persons having business in the Employment Security Commission and this resolution will authorize the Mayor to enter into an agreement with the Kinsers, providing 25 spaces of parking in the parking lot leased by the City, known as Parking Lot No. 29.

Resolution Book No. 12 Page 286

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

PROCLAMATION - JUNIOR ACHIEVEMENT WEEK - JANUARY 26 - 31, 1981

Mayor Trantham proclaimed the week of January 26 - 31, 1981 as Junior Achievement Week.

CLAIMS - NELL MITCHELL - MRS. C. A. NOBLETT

The City Manager presented claims received from Nell Mitchell and Mrs. C. A. Noblett.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET FOR FISCAL YEAR
1980 - 81 - SUPPLEMENTAL ANNUITY FUND FOR RETIRED CITY EMPLOYEES

4. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for Fiscal Year 1980-81.

The City Manager presented the budget amendment in the amount of \$10,000 to appropriate funds for the Supplemental Annuity Fund for retired city employees.

Councilman Brownlee moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

CERTIFICATE OF APPOINTMENT - HOUSING AUTHORITY OF THE CITY OF ASHEVILLE -
PHILLIP F. CROUCH

5. Mayor Trantham announced the appointment of Phillip F. Crouch as a Commissioner of the Housing Authority of the City of Asheville.

RESOLUTION NO. 81-19 - RESOLUTION REQUESTING THE BUNCOMBE COUNTY DELEGATION TO
THE NORTH CAROLINA GENERAL ASSEMBLY TO SUPPORT AN AMENDMENT TO CHAPTER 802 OF
THE 1971 SESSION LAWS CONCERNING THE FINANCIAL SUPPORT OF THE BUNCOMBE COUNTY
BOARD OF TAX SUPERVISION

6. Consideration was given to a resolution requesting the Buncombe County delegation to the North Carolina General Assembly to support an amendment to Chapter 802 of the 1971 Session Laws concerning the financial support of the Buncombe County Board of Tax Supervision.

The City Manager read the resolution. He said this resolution will implement a section of the City/County Water Agreement. He said the City is requesting that the Buncombe County Board of County Commissioners pass a similar resolution in order that action can be taken by the General Assembly. He said this action conforms to the other ways cities are collecting taxes.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-19 was unanimously adopted.

Complete text of Resolution No. 81-19 will be found in Resolution Book No. 12 at page 288.

RESOLUTION NO. 81-20 - RESOLUTION REQUESTING THE INSTITUTE OF GOVERNMENT STUDY
ORGANIZATIONAL APPROACH TO ACHIEVE THE CONSOLIDATION OF BUNCOMBE COUNTY AND CITY
OF ASHEVILLE SERVICES

7. Consideration was given to a resolution requesting the Institute of Government Study Organizational approach to achieve the consolidation of Buncombe County and City of Asheville services.

The City Manager read the resolution and said this resolution would also implement a section of the City/County Water Agreement.

Thursday - January 29, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Harold F. Brownlee, Walter R. Boland, F. Jack Cole, and H. C. Wilkes; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr. (sick)

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 22, 1981 meeting.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the minutes of the January 22, 1981 meeting were approved as submitted.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET
SENIOR CITIZENS SERVICE PROJECT - SENIOR OPPORTUNITY CENTER

2. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$19,503 to transfer Fifth Year surplus funds for the Senior Citizens Services project to the Sixth Year Senior Citizens Services project to allow for an expanded program of services to Senior Opportunity Center participants, particularly those who reside in the Neighborhood Strategy Area.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGETS FOR THE
SECOND AND THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT

3. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budgets for the Second and Third Year Community Development Block Grant.

The City Manager presented the budget amendment in the amount of \$15,000 to develop the neighborhood park at Walton Street Park. A cost savings was effected through the use of force account labor in moving dirt from Walton Street Park to Kenilworth Park. A culvert is necessary at Kenilworth Park for property draining off the Kenilworth Park fill area. This transfer of funds will benefit both projects.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

- B. Resolution No. 81-23 - Resolution authorizing the Mayor to accept a ten foot water line easement from Traynham Houston and wife, Doris E. Houston, William L. Warlick and wife Laurretta K. Warlick for an existing service line and meter on Asheland Avenue.

HIGHLIGHTS: The Asheville City Council, by Resolution No. 81-12 dated January 22, 1981, closed a portion of Asheland Avenue right-of-way at the request of Traynham Houston and wife, Doris E. Houston, William L. Warlick and wife Laurretta K. Warlick. Said resolution was adopted contingent upon the acceptance of a Deed of Easement from said petitioners for the maintenance of a water service line and meter on said right-of-way. This resolution will accept the Deed of Easement from the petitioners for the servicing of said line and meter.

Resolution Book No. 12 Page 292.

- C. Approval of bids received January 15, 1981 for two (2) water pumps with motors.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of lowest responsive bidder, Supply Specialties, Inc. in the amount of \$5,952.00. Funding for this purchase is available in the Water and Sewer Improvement Fund - Haw Creek Pump Station, Code 31-50-857-0-380.0073.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

CLAIMS - RHONDA KILBY - C. BUDDY STYLES - ETHYLE H. CERTIK - DEREK HENNESSEE

The City Manager presented claims received from Rhonda Kilby, C. Buddy Styles, Ethyle H. Certik and Derek Hennessee.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - CHILDREN'S DENTAL HEALTH MONTH - FEBRUARY, 1981

Mayor Trantham proclaimed the month of February, 1981 as Children's Dental Health Month.

PROCLAMATION - CARL B. HYATT DAY - FRIDAY, JANUARY 30, 1981

Mayor Trantham proclaimed Friday, January 30, 1981 as Carl B. Hyatt Day.

Councilman Wilkes said during this Council's campaigning, it was promised that this Council would work toward the implementation of the Water Authority and the consolidation of City and County services. He said evidence of Council's commitment to achieve this goal is shown through the adoption of these resolutions.

Mayor Trantham agreed with Councilman Wilkes' comments and said he was proud of the fact that this Council could work together to achieve their goals.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 81-20 was unanimously adopted

Complete text of Resolution No. 81-20 will be found in Resolution Book No. 12 at page 289.

RESOLUTION NO. 81-21 - RESOLUTION AUTHORIZING THE CITY AND COUNTY RECREATION ADVISORY BOARDS TO PROPOSE A PLAN FOR MERGER OF THE TWO BOARDS

8. Consideration was given to a resolution authorizing the City and County Recreation Advisory Boards to propose a plan for merger of the two boards.

The City Manager read the resolution and said this action was also part of the Water Agreement.

Councilman Cole said he strongly supported the resolution to propose a plan for merging the two boards and would hope that immediate action would be taken to also merge the two departments.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-21 was unanimously adopted.

Complete text of Resolution No. 81-21 will be found in Resolution Book No. 12 at page 290.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-22 - Resolution authorizing the Director of Parks and Recreation to seek grant funding from the Arts Council of Western North Carolina.

HIGHLIGHTS: The Montford Community has demonstrated interest in expanding the program of performing arts at Montford Community Center to include a dinner theatre and youth theatre troupe. A grant request of \$1,850 has been prepared for submission to the Community Arts Council of Western North Carolina. This resolution will authorize application of the arts program grant.

Resolution Book No. 12 page 291.

Thursday - February 5, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilmen Harold F. Brownlee, Walter R. Boland, F. Jack Cole, and H. C. Wilkes; Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Acting City Clerk Carol Hensley.

Absent: Vice-Mayor Ralph D. Morris, Jr. (sick)
Councilwoman Norma T. Price
City Manager K. M. Michalove (vacation)

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 29, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the January 29, 1981 meeting were approved as submitted.

PUBLIC HEARING - DEERWOOD CONDOMINIUMS - GROUP DEVELOPMENT

2. A public hearing was held relative to the site plan of the proposed Deerwood Condominiums.

Mayor Trantham opened the public hearing at 4:12 p. m.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at its meeting held on January 7, 1981 reviewed the site plan of the proposed Deerwood Condominiums to be located on Hendersonville Road south of the Blue Ridge Parkway. He said after review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions:

(1) Streets

- a. The developer had indicated that the streets will remain in private ownership and will not be dedicated to the city or state. Given this assertion, a letter confirming this intent should be presented.

Secondly, if the streets are to remain private then the design is acceptable (20' section 6" compacted base and 1-1/2" of surface covering). However, should the developer intend to dedicate the streets to the city or state, staff recommends that the streets be constructed to city standards.

Street Width	- 24' section
	- 10" compacted base
	- 2" surface covering

JOHN MORRIS - BOY SCOUT EARNING MERIT BADGE

John Morris, a boy scout earning a merit badge, was recognized by Councilman Boland. Councilman Cole told him the story of how Asheville was named.

RAPLH BISHOP - LOTTERY SALES - REDRESS OF COUNCIL

Ralph Bishop spoke to Council relative to the lottery sales in Asheville and his right to seek redress from the Council.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 4:35 p. m.

Ray M. Harrison
MAYOR

William F. Halcott
CITY CLERK

BUDGET AMENDMENT - GENERAL CAPITAL PROJECTS FUND - MOTOR POOL FACILITY

4. Consideration was given to a budget amendment amending the General Capital Projects Fund budget.

The Assistant City Manager presented the budget amendment, in the amount of \$54,575, to fund a capital project for creation of a motor pool facility. He said the funding source is Sinking Fund windfall money.

Councilman Boland moved for the approval of the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - GENERAL CAPITAL PROJECTS FUND - MOTOR TRANSPORT FACILITY

5. Consideration was given to a budget amendment amending the General Capital Projects Fund budget.

The Assistant City Manager presented the budget amendment, in the amount of \$500,000 to appropriate money for the development and construction of a motor transport facility. The funds are to come from the Sinking Fund windfall money.

Councilman Cole moved for the approval of the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - WATER AND SEWER SERVICES OPERATING FUND BUDGET -FISCAL YEAR MAIL INSERTION EQUIPMENT

6. Consideration was given to a budget amendment amending the Water and Sewer Services Operating Fund for Fiscal Year 1980-81.

The Assistant City Manager presented the budget amendment in the amount of \$5,000 to appropriate additional funds due to lowest bid exceeding previously budgeted amount for mail-insertion equipment for use in the Customer Services Division.

Councilman Cole moved for the approval of the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. _____ - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

7. Consideration was given to a resolution appointing members to the Asheville-Buncombe Water Authority.

Councilman Cole said he felt the Council should be in full attendance when this resolution was adopted. He said since Vice-Mayor Morris and Councilwoman Price are absent he would move to defer action on resolution. This motion was seconded by Councilman Wilkes and carried unanimously.

Councilman Wilkes said members being appointed to the Asheville Buncombe Water Authority should be invited to the meeting when they are actually appointed.

- b. The turning radii on the streets circled on the plat should be increased to accommodate fire fighting equipment.
2. Water and Sanitary Sewer
 - a. Approval of water and sewer plans be obtained from the Department of Human Resources.
 - b. Encroachment agreements and easements with Southern Railway be provided for the 6" water line shown at the northeast corner of the project site.
 - c. That the developer comply with the recommendations of the Water Department as shown on the attached letter.
 3. Compliance with the Erosion Control Ordinance.

Mr. Emrick said all the conditions have either been met or are in the process of being complied with. He said the project proposed 120 units in Phase I and office space in Phase II. He said all city department heads have reviewed the proposed plan and find no problems with the project. He said there was no opposition voiced at the Planning and Zoning Commission.

Mr. Gabe Staley, one of the developers of the project, answered general questions from members of Council. He said the selling cost of the condominiums would be in the \$75,000 to \$80,000 range. He said they plan to start construction by March 1, 1981 and completion of Phase I, 60 units, would be (10) months, and the same time period for Phase II, 60 units.

Mayor Trantham closed the public hearing at 4:22 p. m.

Councilman Boland moved to approve the site plan of the proposed Deerwood Condominiums subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1202 - AN ORDINANCE REPEALING SECTION 27-4 (REGARDING INSURANCE FOR TAXICABS) OF THE ASHEVILLE CODE OF ORDINANCES

3. Consideration was given to an ordinance repealing Section 27-4 (regarding insurance for taxicabs) of the Asheville Code of Ordinances.

The Assistant City Manager read the ordinance stating that Section 27-4 of the Code of Ordinances, has been unchanged since 1942 and requires only \$5,000 insurance for taxicab operators. He said this contradicts the statewide law regarding financial responsibility of taxicab operators (Chapter 20-280 of the North Carolina General Statutes), which requires a minimum of \$25,000 insurance for bodily injury to one person, \$50,000 for bodily injury to two or more persons, and \$10,000 for property damage. Repeal of this section will eliminate this contradiction and make it clear that persons operating taxicabs in the City of Asheville must comply with all requirements of the state law.

Councilman Cole moved for the adoption of Ordinance No. 1202. This motion was seconded by Councilman Brownlee.

On a roll call vote of 5-0, Ordinance No. 1202 passed on first reading.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes,
the meeting adjourned at 4:45 p. m.

Wm. M. Harrison Harmon F. Volcott
MAYOR CITY CLERK

APPROVAL OF THE CONSENT AGENDA

8. The Assistant City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-24 - Resolution authorizing the Mayor to enter into a Supplemental Municipal Agreement with North Carolina Board of Transportation relative to Right-of-Way Projects 8.1901402 and 8.1901403 and Construction Projects 8.1901408, 8.1901410, 8.1901413, and 8.1901414.

HIGHLIGHTS: This agreement will provide for traffic operating controls on I-240.

Resolution Book No. 12 Page 296.

- B. Scheduling of a public hearing relative to the Seventh Year Community Development Application and Housing Assistance Plan for February 19, 1981.

HIGHLIGHTS: This public hearing will provide for public comments for the Seventh Year Community Development Application and Housing Assistance Plan.

- C. Approval of bids received February 2, 1981 for mail inserting equipment.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of low bid for new equipment and award of contract to Bell and Howell, Inc. in the amount of \$18,275.00. Sufficient funds are available in the Water Customer Services Division.

Upon motion of Councilman Cole, seconded by Councilman Boland, the consent agenda was unanimously approved.

CLAIMS - MIKE RODIER - MRS. HARRY DuMONT - NORMA CREIGHTON

The Assistant City Manager presented claims received from Mike Rodier, Mrs. Harry DuMont, and Norma Creighton.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - OBTAINING CITY RECORDS - LOTTERY SALES

Mr. Ralph Bishop spoke to Council relative to lottery sales in Asheville and his difficulty in obtaining city records.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

4. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$1,571 to correct a bookkeeping error in a budget amendment adopted by Council on January 29, 1981. This amount was inadvertently transferred to the Sixth Year Senior Citizens Service Project from the Fifth Year funds.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET - 1980-81

5. Consideration was given to a budget amendment amending the City of Asheville Annual Operating Budget for fiscal year 1980-81.

The City Manager presented the budget amendment in the amount of \$306,318 to allocate money to individual divisions for performance pay increases, most of which were granted in January. This amount will cover salary and wage increases as well as the increase in FICA tax.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-25 - Resolution of intent to close a portion of Burton Street and calling a public hearing on the question for March 19, 1981.

HIGHLIGHTS: A petition has been received from Hugh H. Roberson, Paul B. Roberson, and Edwin R. Roberson to close a portion of Burton Street. City Council closed Burton Street Bridge by adoption of Resolution No. 77-98. It was the petitioners' intent at the time of the closing of Burton Street Bridge to have this portion of Burton Street closed. The City has in fact physically closed Burton Street as it traverses the property owned by the petitioners.

Thursday - February 16, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, City Manager K. M. Michalove, Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 5, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the February 5, 1981 meeting were approved as submitted.

ORDINANCE NO. 1202 - AN ORDINANCE REPEALING SECTION 27-4 (REGARDING INSURANCE FOR TAXICABS) OF THE ASHEVILLE CODE OF ORDINANCES

2. Consideration was given to the second reading of Ordinance No. 1202, an ordinance repealing Section 27-4 (regarding insurance for taxicabs) of the Asheville Code of Ordinances.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1202 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1202. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1202 passed on third and final reading.

Complete text of Ordinance No. 1202 will be found in Ordinance Book No. 9 at page 194.

BUDGET AMENDMENT - GENERAL CAPITAL PROJECTS - ENTRANCE RAMP AT CITY HALL

3. Consideration was given to a budget amendment amending the General Capital Projects budget.

The City Manager presented the budget amendment in the amount of \$150,000 to appropriate Sinking Fund windfall money to a capital project for the structural renovation of the entrance ramp on the southside of the City Hall building. This renovation will repair corroded steel supporting beams as well as make other structural improvements to the ramp.

- F. Approval of bids for 60" corrugated steel pipe received February 4, 1981.

HIGHLIGHTS: Four (4) proposals were received. Recommendation of acceptance of low bid from Southern Tank and Culvert Company, Inc. in the amount of \$7,963.00. Funding is available in the Community Development Improvement Fund Kenilworth Park, Code 65-45-656-2.0073.

- G. Resolution No. 81-29 - Resolution authorizing the Director of Parks and Recreation to make application for an enrichment grant for Reid Memorial Recreation Center.

HIGHLIGHTS: A grant in the amount of \$4,871 in state funds is available to continue an enrichment program in the Reid Memorial area, and local match in the amount of \$2,163 will be provided by inkind staff services already in place at the center. This resolution will authorize the submission of an application for said grant to the North Carolina Department of Human Resources.

Resolution Book No. 12 Page 302.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

LETTERS OF SYMPATHY REQUESTED - FAMILIES OF MAYOR ROY PENLEY AND CLAUDE BROCK, FORMER MEMBER OF PLANNING AND ZONING COMMISSION

Councilwoman Price said the Mayor of Woodfin Roy Penley and Claude Brock, former member of Planning and Zoning Commission passed away this past week. She requested that the Mayor write a letter to the families expressing Council's sympathy.

ATTENDANCE AT INSTALLATION OF STUDENT COUNCIL AT RANDOLPH SCHOOL

Councilman Wilkes said on Tuesday, February 10, 1981, he was invited to attend, on behalf of the Asheville City Council, the installation of the Student Council at Randolph Elementary School. He said the members of the Student Council were presented with resolutions from the City Council and they were very pleased that the Asheville City Council would be a part of their installation of officers.

PROCLAMATION - "BLACK HISTORY MONTH" - FEBRUARY, 1981

Mayor Trantham proclaimed the month of February, 1981 as "Black History Month."

- B. Resolution No. 81-26 - Resolution authorizing the Director of Parks and Recreation to enter into a lease agreement with the Asheville Civic Center on behalf of the Asheville-Buncombe County Youth Council for the presentation of the WNC Talent Awards Show.

HIGHLIGHTS: The Asheville-Buncombe County Youth Council plans to present the second annual WNC Talent Awards Show which is scheduled for Thomas Wolfe Auditorium for this event upon a guarantee of \$600 which will be secured through admission charges of tickets. The Director of Parks and Recreation, through this resolution, will be authorized to enter into an agreement with the Civic Center for the WNC Talent Awards Show.

Resolution Book No. 12 Page 299.

- C. Resolution No. 81-27 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Tennoca Construction Company for the project known as Victoria Health Care Center - Water and Sewer Lines.

HIGHLIGHTS: On Tuesday, February 3, 1981 at 3:00 p. m., bids were opened on the Victoria Health Care Center - Water and Sewer Lines. Tennoca Construction Company is the apparent low bidder in the amount of \$23,268.46. This resolution will authorize the Mayor to enter into a contract with Tennoca Construction Company for said project.

Resolution Book No. 12 Page 300.

- D. Scheduling of a public hearing relative to rezoning property at 788 Fairview Road for March 12, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held February 4, 1981, considered the petition of Mr. Fletcher Carter that Ward 7, Sheet 26, Lot 380, be rezoned from R-3 Medium Density Residential District to CG Commercial General District. After discussing the issues of this request, the Commission voted to accept the Staff Report and recommend to City Council that the property be rezoned as petitioned.

- E. Resolution No. 81-28 - Resolution regarding auditing contract.

HIGHLIGHTS: This resolution will appoint Patton, Hunter and Company, CPAs, to perform independent audit services for audit(s) of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1981.

Resolution Book No. 12 Page 301.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Morris, Resolution No. 81-32 was unanimously adopted.

Complete text of Resolution No. 81-32 will be found in Resolution Book No. 12 at page 305.

ANNOUNCEMENT RELATIVE TO SALE OF PROPERTY IN KNOLLWOOD ON STARMOUNT DRIVE - UPSET BID RECEIVED FROM WAYNE KINSER

The City Manager announced that the City Clerk's office did receive, on February 9, 1981, an upset bid in the amount of \$12,900 for the Starmount property in Knollwood from Wayne Kinser. This upset bid will be advertised pursuant to N.C.G.S. 160A-269 as stipulated in Resolution No. 81-16 adopted on January 22, 1981. This advertisement will be advertised in the Asheville Times on February 13, 1981 and the City Clerk's Office will receive upset bids for ten (10) days after that date. If another upset bid is received, the City Clerk's office will again readvertise. If no further upset bids are received, the City Clerk's office will prepare a resolution authorizing the sale of the property to the highest bidder for Council's consideration.

PROCLAMATION - FEBRUARY 13, 1981 - NATIONAL SALUTE TO HOSPITALIZED VETERANS

Mayor Trantham proclaimed Friday, February 13, 1981 as National Salute to Hospitalized Veterans.

CLAIMS - ASHEVILLE CONCRETE - PHILLIP RUFF - JACOB DEMETRIS

The City Manager presented claims received from Asheville Concrete, Phillip Ruff, and Jacob Demetris.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

LETTER FROM B. E. DUYCK - RELATIVE TO REQUEST FOR PENSION SUBSIDY

The City Manager presented a letter from B. E. Duyck requesting a pension subsidy in the amount of \$157.71 pursuant to Resolution No. 78-212 (Section 1-D).

The City Manager said he would have the staff to investigate the request and report back to Council on the matter.

ANNOUNCEMENT OF APPROVAL OF BUS GRANT APPLICATION

The City Manager announced that the City has received approval of a grant application from the Department of Transportation, Urban Mass Transportation Administration for the purchase of ten (10) new 30' transit coaches, spare components, bus-stop signs, project administration and contingency. The estimated total project cost is \$1,248,500 with the federal share being \$998,800, the state share being \$124,850, and local share being \$124,850. He said the application has been in process for seven (7) years and due to inflation and special interest requirements the price of a new bus has increased from \$38,000 to over \$100,000. He said the new buses will be equipped with handicap devices.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes the meeting adjourned at 4:50 p.m.

Wayne Trantham
MAYOR

Harmon S. Volante
CITY CLERK

RESOLUTION NO. 81-30 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE BUNCOMBE WATER AUTHORITY

Consideration was given to a resolution appointing members to the Asheville Buncombe Water Authority.

The City Manager read the resolution appointing Ralph D. Morris, Jr., Charles Mills, and Wilhelmenia Bratton to the Asheville Buncombe Water Authority.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-30 was unanimously adopted, with Vice-Mayor Morris abstaining.

Complete text of Resolution No. 81-30 will be found in Resolution Book No. 12 at page 303.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL CAPITAL PROJECTS FUND

Consideration was given to a budget amendment amending the City of Asheville General Capital Projects Fund.

The City Manager presented the budget amendment in the amount of \$215,525 to increase the State, Federal, and Local revenues of the runway overlay/lighting to bring the project into agreement with the state and federal grant agreements.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-31 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE AIRPORT EXPANSION PROJECT AREA

Consideration was given to a resolution authorizing condemnation of property in the Airport Expansion Project Area.

The City Manager read the resolution authorizing condemnation of Tract 3 Parcels 3 and 4 on Greenwood Road.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-31 was unanimously adopted.

Complete text of Resolution No. 81-31 will be found in Resolution Book No. 12 at page 304.

RESOLUTION NO. 81-32 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRICE, WATERHOUSE AND COMPANY

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Price, Waterhouse and Company.

The City Manager read the resolution stating that this would authorize the City Manager to enter into an agreement with Price, Waterhouse and Company for the purpose of financial analysis of the Asheville Downtown Commercial Complex.

Mr. Holt presented members of Council with a funding breakdown which indicated the cost of the various aspects of the program. He then reviewed a color-coded map showing what has taken place in the East End/Valley Street area and what is proposed for the Fourth Year planning. He said 1982-83 is the completion date for the East End/Valley Street Improvement Project.

Upon inquiry of Mayor Trantham, Mr. Delany said relocation in the East End/Valley Street area is not as acute as it was in the East Riverside Area.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-33 was unanimously adopted.

Upon inquiry of Vice Mayor Morris, Mr. Holt said they operate on annual increments and can shut off the project at any point in case Community Development funding ceases. He said when a project is planned it includes everything, including all utilities, in order not to end up with an uncompleted project in case funding is ceased.

The City Manager read the resolution.

Complete text of Resolution 81-33 will be found in Resolution Book No. 12 at Page 306.

BIDS - ONE (1) FIRE APPARATUS - 1000 GPM PUMPER

3. Consideration was given to the approval of bids received January 19, 1981, for one fire apparatus-1,000 GPM Pumper.

The City Manager presented the bids received January 19, 1981, for one fire apparatus-1,000 GPM Pumper. He said two bids were submitted, however, one bid did not meet specifications. He said a recommendation was received to accept the lowest responsive bid submitted by American La France, Inc., in the amount of \$91,900 for a 1980 American La France 1250 gpm pumper. He said sufficient fund are available for the purchase from the General Revenue Sharing Fund.

Councilman Brownlee moved to approve the bids as submitted by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION 81-34 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH EUGENE ROBINSON AND WIFE BEULAH W. ROBINSON CONCERNING THE CONSTRUCTION OF SEWER LINE ON FOREST HILL DRIVE OFF HENDERSONVILLE ROAD

4. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with Eugene Robinson and wife Beulah W. Robinson of Buncombe County concerning the construction of a sewer line on Forest Hill Drive off Hendersonville Road.

The City Manager read the resolution.

Upon motion of Vice Mayor Morris, seconded by Councilman Cole, Resolution 81-34 was unanimously adopted.

Thursday - February 19, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent Councilman Walter R. Boland (sick)

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 12, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the February 12, 1981, meeting were approved as submitted.

PUBLIC HEARING - SEVENTH YEAR COMMUNITY DEVELOPMENT APPLICATION AND HOUSING ASSISTANCE PLAN

RESOLUTION NO. 81-33 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1981-82

2. A public hearing was held to receive public comments relative to the Seventh Year Community Development Application and Housing Assistance Plan.

Mayor Trantham opened the public hearing at 4:04 P.M.

The City Manager presented the notice to the public, setting the time and date for the public hearing and the affidavit of publication.

Logan Delany, Director of Community Development, in explaining the Seventh Year Community Development Application and Housing Assistance Plan said the application and plan has been reviewed and approved by the Community Development/Housing Authority Liaison Committee. He said the City of Asheville has been experiencing a gradual reduction in Community Development funding for several years. He said the funding for the Seventh Year Community Development Block Grant has been reduced by \$81,000, leaving the total funding for the Seventh Year at \$1,690,000. He said the primary element in the budget includes funding for the Fourth Year East End/Valley Street Neighborhood Improvement Project. He said this would take up approximately 75% of the Seventh Year funding, the remainder going for Administration, Citizen Participation, Planning, and Contingency. He said the City of Asheville recently had an on-site review of the City's spend rate and HUD expressed that they were pleased with the City's progress in the East End/Valley Street Neighborhood Project.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said the plans have been approved by the Neighborhood Planning Committee. He said the plans included in the project were developed by the neighborhood, during public hearings held in the community.

Mr. DeBruhl said the third and most critical phase would be implemented when the North Fork Reservoir becomes forty feet below spillway, and would require the use of water for commercial and industrial users be restricted to insure adequate water supply for human consumption.

Mr. DeBruhl said that any violation of these provisions would be a misdemeanor and would enable the Director of Water and Sewer Services to disconnect water service to any violators.

Vice Mayor Morris said before the second reading of the ordinance he would like to see language added to the ordinance that Phase III would be immediately implemented if there is a break in the 36" line at North Fork Reservoir.

Councilman Cole moved for the adoption of Ordinance No. 1203, this motion was seconded by Councilwoman Price.

On a roll call vote of 6-0, Ordinance No. 1203 passed on first reading.

RALPH BISHOP - COMMENTS RELATIVE TO SEEKING REDRESS FROM COUNCIL

Ralph Bishop spoke to Council relative to his right to seek redress in the Asheville City Council meetings.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price the meeting adjourned at 4:50 P.M.


MAYOR


CITY CLERK

Complete text of Resolution No. 81-34 will be found in Resolution Book No. 12 at Page 308.

INVITATION TO HISTORIC RESOURCES COMMISSION MEETING

Councilman Cole said that he had received a call from Frank Coxe, a member of the Historic Resources Commission inviting councilmembers to attend their meeting on Wednesday, February 25, 1981, at 6:00 P.M. He said this meeting would include a tour of the Ravenscroft House. He said after the tour the meeting would continue at Trinity Church for dinner. He encouraged Council to attend this meeting.

CLAIMS - NANCY ALEXANDER - MARY PATTERSON - JEFROY DAVIDSON - MYRA BONNER
EDITH MIDDLETON

The City Manager presented claims received from Nancy Alexander, Mary Patterson, Jefroy Davidson, Myra Bonner, and Edith Middleton.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ORDINANCE NO. 1203 - AN ORDINANCE TO REGULATE THE USE OF WATER DURING DROUGHT CONDITIONS

William DeBruhl, Director of Water and Sewer Services, said because of potential drought conditions the Asheville Water System has faced in the last few weeks, he and his staff has prepared for Council's consideration an ordinance consisting of a three-phase plan which would regulate the use of water during "abnormal drought conditions" in the area served by the North Fork Reservoir. He said at present the North Fork Reservoir is down 29 feet. He said one-inch of rain fall brings the reservoir up one foot. He said he felt it is essential for the protection of the health and safety of the citizens of Asheville that restrictive measures be imposed on the use of water from the City of Asheville water supply.

Mr. DeBruhl said the first phase of the plan would be implemented when the North Fork Reservoir becomes thirty feet below spillway, and would include water being pumped into the system from the Bee Tree Lake Reservoir; a high priority program of the repair of the existing and new leaks in the system, including working around the clock; strict supervision of the pumps and storage reservoirs; and requests for voluntary compliance with conservation measures by all public facilities. Mr. DeBruhl said the Bee Tree Reservoir is equipped to supply water in emergency situations, and that he is ready to go with connecting the two systems as soon as the ordinance is approved.

Mr. DeBruhl said the second phase of the plan would be implemented when the North Fork Reservoir becomes thirty-five feet below the spillway, and would make it illegal for any person or business to use water to wash vehicles; to operate a car wash business; to water or sprinkle any golf course, lawns, shrubs, gardens, yards, streets, sidewalks or to use water for any similar purposes; to fill swimming pools; to use water for fountains, decorative pools or ponds; to fill contractors water tanks from fire hydrants, and/or to draw water for fire flow tests; and to draw water from the system other than for domestic, commercial, industrial purposes and fire protection.

Councilman Cole suggested that the possibility of collecting the City sticker fee through the collection of property tax be investigated.

Councilman Cole said the ordinance could be amended on second or third reading.

Councilman Cole moved for the adoption of Ordinance No. 1204. This motion was seconded by Councilwoman Price.

On a roll call vote of 4-0, Ordinance No. 1204 passed on first reading.

Mayor Trantham said he had some reservations about the confusing elements in the wording in the ordinance and would reconsider his vote on the second reading.

ORDINANCE NO. 1203 - AN ORDINANCE TO REGULATE THE USE OF WATER DURING DROUGHT CONDITIONS

3. Consideration was given to the second reading of ordinance no. 1203, an ordinance to regulate the use of water during drought conditions.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

Larry McDevitt, Attorney representing Quick-as-a-Wink Car Washes, said that he and his client realizes the need for such an ordinance, but felt that the provisions in the proposed ordinance would be unfair to one type of business instead of all water using businesses. He said he felt that it would be unfair to pick one particular business.

Mr. McDevitt cited figures showing that to put car washes out of business temporarily when the ordinance was activated would have no or very little impact on the water usage. He said industries could cut back on water and nobody would be out of a job. He said a cut back on industries would have a big impact on the water usage and everyone could share the burden. He said he could name business after business that could be categorized as using water for "unessential" purposes.

Mr. McDevitt presented the following letter suggesting ideas for proposed changes to the ordinance:

February 24, 1981

The Honorable Roy M. Trantham
Mayor, City of Asheville
2nd Floor, City Hall
Asheville, North Carolina 28801

Dear Mr. Trantham:

I represent the Quick as a Wink Car Washes. With reference to the proposed ordinance regulating the use of water during drought conditions, we would submit

Thursday - February 26, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, and Harold F. Brownlee, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent Vice-Mayor Ralph D. Morris, Jr., Councilman Walter R. Boland, and Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman Harold F. Brownlee

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 19, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the February 19, 1981, meeting were approved as submitted.

ORDINANCE 1204 - ORDINANCE AMENDING SECTION 28-154 OF THE ASHEVILLE CODE OF ORDINANCES TO CLARIFY THE MOTOR VEHICLE REGISTRATION REQUIREMENT

2. Consideration was given to an ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the Motor Vehicle Registration Requirement.

The City Manager read the ordinance.

Cloyd Hamby, Vice President of Blue Ridge Trucking Company, spoke in opposition to the proposed ordinance. He said it would cost in excess of \$1,000.00 to buy City stickers for all his tractors and trailers. He said his trucks are domiciled in the City of Asheville, however, the majority of the vehicles are not used in the City limits. He said he would be willing to buy stickers for the trucks that do travel inside the City limits, but did not feel that he should have to pay for those that did not. He cited several businesses, such as a bus company, Southern Bell, and Carolina Power and Light Company that have their trucks domiciled in the City and do not pay for City stickers.

Alan Hyder, of the Asheville Police Department, said the ordinance proposes to clarify the definition of a vehicle which is a "resident" of the City. He said equipment owned by the Blue Ridge Trucking Company would come under the ordinance.

Upon inquiry of Councilwoman Price, Mr. Hyder said the proposed ordinance is similar to Charlotte's ordinance. He said Charlotte collects the City sticker fees through the collection of property tax.

Councilwoman Price said she would favor the collection of the City sticker fee through collection of property taxes. She said this would be fair and every vehicle would have to pay the fee.

Councilman Brownlee moved to table Ordinance No. 1203 until March 5, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

The City Manager read the following letter to be included in the minutes:

February 24, 1981

Mr. William DeBruhl, Director
Water and Sewer Services
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Re: Emergency use of Bee Tree Reservoir
City of Asheville Buncombe County

Dear Mr. DeBruhl:

Reference is made to your letter of February 5, 1981 to me relative to the use of the Bee Tree Reservoir during periods of drought. Your letter states that if the current drought continues, the City is prepared to implement a plan of action regarding emergency water shortage situations which would include utilizing the Bee Tree Lake Water Supply as a supplemental supply during the drought period. Your letter further states that the Bee Tree Water Shed has remained closed to the public and has retained its A-1 classification; that some recreational activities have been permitted during the summer months, but will be closed whenever the Lake is used as a source of water supply; and that the Lake is full with the water quality in excellent condition. Your letter requests that the Bee Tree Lake Water Supply receive interim approval from this office for use as a supplemental supply during drought periods.

After careful consideration of all the factors involved we believe that it would not be in the best interest of this office nor in the best interest of the City of Asheville to grant interim approval for use of the Bee Tree Reservoir as a supplemental supply for the City of Asheville during periods of drought. However, we have no objection to the use of this reservoir by the City as an emergency source of water supply during drought situations under certain conditions. These conditions are as follows:

1. When the North Fork Reservoir is down 30 feet began pumping water from the Bee Tree Reservoir.
2. When the North Fork Reservoir is down 15 feet stop pumping water from the Bee Tree Reservoir.
3. Notify the Regional Office at Black Mountain when pumping from the Bee Tree Reservoir begins and ends.
4. Obtain samples of raw and finished water and analyze for bacteriological content on a daily basis.

the following proposed changes to "Phase II" of Section 1. of the Ordinance:

Proposed change No. 1. By amending subparagraph "1.a." to read as follows: "to wash any automobile or other motor vehicle, except that this Section shall not apply to any car wash business or facility;"

Proposed change No. 2. By deleting subparagraph "1.b." in its entirety;

Proposed change No. 3. By adding a new subparagraph 2. as follows: "Upon notice from the Director of Water and Sewer, all commercial, business, and industrial City water users shall immediately reduce City water consumption to a monthly level which is _____% less than its average monthly use for the preceding 12 months, then the monthly average shall be based on the number of months during which the user was supplied City water;"

Proposed change No. 4. By adding a new subparagraph 3. as follows: "After receipt of the Notice specified above any commercial business or industrial user failing to reduce water consumption to the specified level shall be in violation of the Ordinance, and shall be assessed a penalty of \$100.00 per cubic foot of water used in excess of the required reduced consumption level, said penalty to be paid to the City of Asheville within 30 days of its assessment as provided by N.C.G.S. 160A-175(c);"

Proposed change No. 5. By renumbering the present subparagraph No. "2." as subparagraph 4.

Phase II of the Ordinance as proposed would completely eradicate the car wash business not only for my client but others in similar businesses. While we are willing to join with other citizens in responding to an emergency, it would seem more equitable to spread the burden among all businesses rather than have the major burden fall on one enterprise with employees who have families to support and bills to pay. I would request the opportunity to speak on behalf of my client with respect to the Ordinance at the next Council meeting to discuss our position more thoroughly.

Your consideration and the consideration of the Council to this request would be most appreciated. If you have any questions please feel free to contact me.

Very truly yours,

Larry McDevitt

It was the consensus of Council to table ordinance no. 1203 until March 5, 1981, giving Council an opportunity to consider Mr. McDevitt's suggestion.

Mayor Trantham suggested that Mr. McDevitt meet with Mr. DeBruhl, Director of Water and Sewer Services to review the suggested amendments.

RESOLUTION NO. 81-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PRICE, WATERHOUSE AND COMPANY RELATIVE TO PROVIDING PROFESSIONAL SERVICES IN THE IMPLEMENTATION OF A NEW FISCAL MANAGEMENT SYSTEM

5. Consideration was given to a resolution authorizing the City Manager to enter into a contract with Price, Waterhouse and Company, relative to providing professional services in the implementation of the new fiscal management system.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilwoman Price, Resolution No. 81-35 was unanimously adopted.

Complete text of Resolution No. 81-35 will be found in Resolution Book No. 12 at page 309.

RESOLUTION NO. 81-36 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CAPITAL IMPROVEMENT MASS TRANSIT GRANT CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

6. Consideration was given to a resolution authorizing the Mayor to execute a capital improvement mass transit grant contract with the North Carolina Department of Transportation.

The City Manager read the resolution explaining that the City of Asheville recently received an approval for a grant from the Urban Mass Transportation Authority to purchase 10 new buses, spare engine, spare transmission and 300 bus stop signs. This contract with the North Carolina Department of Transportation will provide the state share of \$124,850 for this project.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-36 was unanimously adopted.

Complete text of Resolution 81-36 will be found Resolution Book No. 12 at page 310.

RESOLUTION NO. 81-37 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF INSTALLING TRAFFIC SIGNAL INTERCONNECT CABLE UNDER A STATE SYSTEM STREET

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the North Carolina Department of Transportation for the purpose of installing traffic signal interconnect cable under a state system street.

The City Manager read the resolution explaining that this resolution will request that the North Carolina Department of Transportation allow Carolina Power and Light to install underground duct under U. S. 25 (Broadway at College Street), for the replacement of a traffic signal interconnect cable.

5. Close the A-I watershed to all recreational activities and begin water shed patrolling as needed.
6. Report any unusual conditions or circumstances to the Regional Office in Black Mountain.

It is our understanding that since the Bee Tree Reservoir was closed as a source of water supply a camping area and swimming pool facilities have been constructed below the dam near the chlorination station and have been operational for several years. In order to reduce the potential for damage to the chlorination station and to minimize the need for watershed patrolling we recommend that these facilities be closed and remain closed during the time that the Bee Tree Reservoir is used as a source of water supply.

If there are any questions, or if we can be of further assistance please let us know.

Very truly yours,

Charles E. Rundgren, Head
Water Supply Branch
Environmental Health Section

The City Manager said the Bee Tree recreational facilities would not be open to the public until the present conditions change.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL PROJECT FUND

4. Consideration was given to a budget amendment amending the City of Asheville General Capital Project Fund.

The City Manager presented the budget amendment in the amount \$102,000 to provide funding for services to upgrade the City's Financial Management Information and Reporting System which will operate on the City's new central computer. The funding source will be Sinking Fund Windfall Capital Reserves.

The City Manager said this service would speed up by 12 to 18 months the transfer of information to the new central computer.

Bob Wurst, Director of Audit and Budget, said the City has been in the process of converting to one system for the past year. He said the present computer is worn out. He said the last item to be converted is the financial accounting system. He said this needs to be done quickly and the services of Price, Waterhouse and Company, would allow this to be done. He said he felt this would eventually save money through efficiency by financial reporting.

Upon inquiry of Councilman Cole, Mr. Wurst said the new computer has the potential for being used by the County of Buncombe.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

Thursday - March 5, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 26, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the February 26, 1981, meeting were approved as submitted.

ORDINANCE 1203 - AN ORDINANCE TO REGULATE THE USE OF WATER DURING DROUGHT CONDITIONS

2. Consideration was given to the second reading of Ordinance No. 1203, an ordinance to regulate the use of water during drought conditions.

Mayor Trantham said the ordinance was previously read on first reading and would not be reread unless there was specific request to do so.

The City Manager said members of Council discussed amendments to the ordinance during the pre council meeting. He said it was the consensus of Council to amend the Ordinance prior to the third reading. He said it was agreed to amend the ordinance to have two phases instead of the proposed three phases. He said phase one would deal primarily with the internal operations and an appeal to public facilities to conserve water during this phase. He said phase two would restrict the use of water to commercial and residential users on a percentage basis. He said a 60 percent restriction would apply to everyone and would be based on their average daily water consumption at the last meter reading. He said penalties would be applied accordingly. He said the proposed ordinance would be redrafted before the third reading.

Albert Sneed, Attorney representing Quick as a Wink Car Washes, spoke in support of deleting the provisions in the proposed ordinance dealing with putting car washes out of business during water drought conditions.

After discussion among Council members, Councilman Wilkes moved to take Ordinance 1203 off the table and consider the second reading. This motion was seconded by Vice-Mayor Morris and carried unanimously.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution 81-37 was unanimously adopted.

Complete text of Resolution No. 81-37 will be found in Resolution Book No. 12 at page 311.

APPROVAL OF A SIGN PERMIT FOR AMERICAN LOG HOMES - 295 HAYWOOD STREET

8. J. E. Johnson, Director of Inspections, said American Log Homes has applied for a permit to erect a roof sign at 295 Haywood Street (Ward 5, Sheet 15, Lot 66). He said the property is zoned Commercial Regional and the sign will be 24" lettering. He said the sign has been approved by the Zoning Administrator and the Board of Adjustments. He said the sign will be situated closer than 600' from a limited access highway which requires the approval of Council pursuant to zoning Ordinance No. 322.

Councilman Brownlee moved to approve the sign permit for American Log Homes as presented by Mr. Johnson. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - H. C. WILKES, - MR. AND MRS. JOHNNY MAY

The City Manager presented claims received from H. C. Wilkes and Mr. and Mrs. Johnny May.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

SALE OF PROPERTY IN KNOLLWOOD - STARMOUNT DRIVE

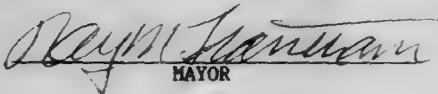
The City Manager said the City Clerk's Office did receive, on February 20, 1981, an upset bid in the amount of \$13,600 for the Starmount property in Knollwood from Arlis Queen. He said this upset bid would be advertised pursuant to North Carolina General Statutes 160A-269 as stipulated in Resolution No. 81-16, adopted on January 22, 1981. He said this advertisement will be advertised in the Asheville Times on February 27, 1981, and the City Clerk's Office would receive upset bids 10 days after that period. He said that if another upset bid is received the City Clerk's Office would again readvertise. He said that if no upset bids are received, the City Clerk's Office will prepare a resolution authorizing the sale of the property to the highest bidder for Council's consideration.

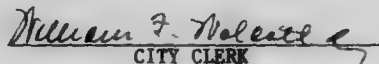
RALPH BISHOP - RIGHT TO SEEK REDRESS FROM COUNCIL

Ralph Bishop again addressed Council relative to his right to seek redress from the Asheville City Council.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price the meeting adjourned at 5:05 P.M.


MAYOR


CITY CLERK

Durham, North Carolina, for an examination of the City's radio communication system and an organization/operation study of the City's Fire Department.

Upon motion from Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution 81-38 was unanimously adopted.

Complete text of Resolution No. 81-38 will be found in Resolution Book No. 12 at page 312.

RESOLUTION 81-39 - RESOLUTION AUTHORIZING APPLICATION FOR STATE WATER BOND FUNDS

6. Consideration was given to a resolution authorizing application for state water bond funds.

The City Manager read the resolution explaining that the North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of waste water treatment works, waste water collection systems, and water supply systems. The City of Asheville has need and intends to construct improvements in the existing water system, a project described as the FY 1981 Water System Improvements Project consisting of the following: 1) Sardis Road - construction of approximately 7,200 feet of 8" water line; 2) W. T. Weaver Boulevard - construction of a approximately 800 feet of 10" water line; 3) Old Haw Creek Road - construction of approximately 3,950 of 6" water line. This resolution will authorize the application of water bond funds for these projects.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution 81-39 was unanimously adopted.

Complete text of Resolution No. 81-39 will be found in Resolution Book No. 12 at page 313-314.

APPROVAL OF THE CONSENT AGENDA

7. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A) Resolution No. 81-40 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc., for the project known as Balsam Avenue Cul-de-Sac.

HIGHLIGHTS: On Tuesday, February 19, 1981, bids were opened on the Balsam Avenue Cul-de-sac project. Paving Enterprises, Inc., is the apparent low bidder for this contract in the amount of \$5,774.00. This project is funded under 66-15-427-1-993.

Resolution No. 12 at page 315.

On a roll call vote of 6-0 Ordinance No. 1203 passed on second reading.

ORDINANCE 1204 - AN ORDINANCE AMENDING SECTION 28-154 OF THE ASHEVILLE CODE OF ORDINANCES TO CLARIFY THE MOTOR VEHICLE REGISTRATION REQUIREMENTS

3. Consideration was given to the second reading of Ordinance No. 1204, an ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the motor vehicle registration requirement.

The City Manager said the Mayor held a meeting during the past week with the Board of Tax Supervision relative to the possibility of collecting city sticker fees through property tax collections. He said the Buncombe County officials were receptive to a special form to be sent out with the tax listings on which the property owner would list all motor vehicles, as well as dogs, owned by the property owner. He said the fees could be collected through property tax collections. He said he expected to have this procedure finalized in the very near future.

After discussion, Vice-Mayor Morris moved to table Ordinance No. 1204 indefinitely. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - 1980-81 ANNUAL OPERATING BUDGET

4. Consideration was given to a budget amendment amending the 1980-81 Annual Operating Budget of the City of Asheville.

The City Manager presented the budget amendment in the amount of \$37,400 to appropriate money for two studies to be done by the Management Improvement Corporation of America, for an examination of the City's radio communications system and an organization/operations study of the City's Fire Department.

The City Manager said the terms of the agreement are similar to one previously entered into with the Management Improvement Corporation of America in that the City does not have to pay for the services unless the City is satisfied with the results of the study in a cost savings to the City.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

RESOLUTION NO. 81-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MANAGEMENT IMPROVEMENT CORPORATION OF AMERICA OF DURHAM, NORTH CAROLINA, TO PERFORM CERTAIN MANAGEMENT ASSISTANCE SERVICES

5. Consideration was given to a resolution authorizing the City Manager to sign an agreement with the Management Improvement Corporation of America of Durham, North Carolina, to perform certain management assistance services.

The City Manager read the resolution explaining that this resolution will authorize the City Manager to enter into an agreement for management assistance services with the Management Improvement Corporation of America of

honorable mention to O'Brien and Gere for the design of the water treatment facilities at North Fork Reservoir. He said the award won in state competition and won honorable mention in the national awards. He said he felt it appropriate to present this award to the City of Asheville as it was a pleasure to serve the City in this project.

This award was then presented to William DeBruhl, Director of Water and Sewer Services, to be displayed in his office.

PROCLAMATION - CIRCUS WEEK - MARCH 9 - 15, 1981

Mayor Trantham proclaimed the week of March 9-15, 1981, as Circus Week.

PROCLAMATION - GIRL SCOUT WEEK - MARCH 8-14, 1981

Mayor Trantham proclaimed the week of March 8-14, 1981, as Girl Scout Week.

PROCLAMATION - WEEK OF MARCH 9, 1981 - CATHOLIC SCHOOL WEEK

Mayor Trantham proclaimed the week of March 9, 1981, as Catholic School Week.

CLAIMS E. J. GUTHRIE - BOBBY FOWLER - FLYNT KNIT INC. - GLORIA ASHE - T. CUNNINGHAM

The City Manager presented claims received from E. J. Guthrie, Bobby Fowler, Flynt Knit, Inc., Gloria Ashe and T. Cunningham.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PETITION - RE: SCHOOL CROSSINGS

The City Manager presented petitions from Asheville area residents requesting that steps be taken immediately to adequately mark all school crossings, install flashing lights, furnish distinctively uniform crossing guards at all crossings, to guarantee the safety of every school child who has to cross a public street, enroute in school. A letter dated March 3, 1981, accompanied the petition stating that this action is being taken as the direct result of a child being injured at a school crossing at Aycock School last Monday Morning. A child was also hit by a car at the Randolph School on Montford Avenue on Tuesday morning of last week.

Paul Dutcher, Traffic Engineer, said at the request of the City Manager, he had investigated the requests of the petition. He said all school crossings are marked at the beginning of the school year. He said the speed limit at the Aycock School is 20 mph, therefore, no flashers are in that location. However, flashers will be installed within the next three weeks.

Fred Hensley, Chief of Police, said the school crossing guards wear orange marked safety vests. He said the unfortunate event at the Aycock School was due to a driver failing to stop for the school crossing guard.

- B) Resolution No. 81-41 - Resolution authorizing the Mayor of the City of Asheville to execute an easement in favor of the North Carolina Department of Transportation.

HIGHLIGHTS: The North Carolina Department of Transportation has requested the City of Asheville to execute a right-of-way easement and drainage easement on property belonging to the City of Asheville on Louisiana Avenue, for the purpose of widening certain sections of said Avenue and to install permanent drainage on Louisiana Avenue in connection with State Highway Project 8.7384018. The North Carolina Department of Transportation has agreed to pay the City of Asheville \$5,250 for said easement.

Resolution Book 12 at page 316.

- C) Resolution No. 81-42 - Resolution authorizing the Mayor of the City of Asheville to execute an easement in favor of the Carolina Power and Light Company.

HIGHLIGHTS: The Carolina Power and Light Company has requested the City of Asheville to execute a right-of-way easement on property belonging to the City of Asheville in the vicinity of the Asheville Regional Airport for the purpose of updating an existing electrical power line.

Resolution Book No. 12 at page 317.

- D) Resolution No. 81-43 - Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the North Carolina Department of Transportation.

HIGHLIGHTS: The North Carolina Department of Transportation has requested the City of Asheville to execute a permanent drainage easement and a construction easement on property belonging to the City of Asheville on Louisiana Avenue for the purposes of widening certain sections on Louisiana Avenue in connection with State Highway Project 8.7384018. The North Carolina Department of Transportation has agreed to pay the City of Asheville \$800 for said easement.

Resolution Book No. 12 at page 318.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

PRESENTATION OF AWARD - O'BRIEN AND GERE ENGINEERS - NORTH FORK WATERSHED

Charles Willis with O'Brien and Gere, Engineers, presented, on behalf of the American Consulting Engineers Council, an award issued as an

Thursday - March 12, 1981 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending meeting in Washington)
Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 5, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the minutes of the March 5, 1981, meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY AT 788 FAIRVIEW ROAD

ORDINANCE NO. 1205 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property at 788 Fairview Road from R-3 Residential District to Commercial General District.

Vice-Mayor Morris opened the public hearing at 4:07 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting held February 4, 1981, considered the petition of Mr. Fletcher Carter that Ward 7, Sheet 26, Lot 380, be rezoned from R-3 Medium Density Residential District to CG Commercial General District. After discussing the issues of this request, the Commission voted to recommend to City Council that the property be rezoned as petitioned.

Mr. Emrick said the purpose of the request was to put all of Mr. Carter's lots into one zoning, that being Commercial General District. He said opposition was received at the Planning and Zoning meeting from Attorney Bryson for Mrs. Sorrells, Mr. & Mrs. Wilson and Mr. & Mrs. Jay Sorrells, property owners in the area.

By the use of a map, Mr. Emrick reviewed the location of the property requested to be rezoned.

Upon inquiry of Councilwoman Price, Mr. Emrick said if Mr. Carter wishes to construct another building on the lot he would have to go through

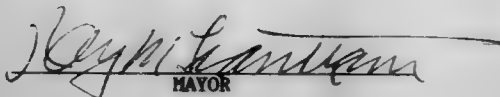
After discussion, the City Manager said that he would advise the residents of what action Council would be taking on this petition.

RALPH BISHOP - SEEKING REDRESS OF COUNCIL - SEEKING CITY RECORDS

Ralph Bishop spoke to Council relative to his right to seek redress from Council and his right to seek City records.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price the meeting adjourned at 5:00 P.M.


MAYOR


CITY CLERK

phases instead of three. He said phase one would deal primarily with the internal operations and an appeal to public facilities to conserve water during this phase. He said phase two would restrict the use of water to commercial and residential users on a percentage basis. He said a 60 percent restriction would apply to everyone and would be based on their average daily water consumption at the last meter reading.

The City Manager then read the ordinance incorporating the suggested amendments.

Councilwoman Price moved to amend Ordinance No. 1203 incorporating the amendments as read by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1203 passed on third reading.

Complete text of Ordinance No. 1203 will be found in Ordinance Book No. 9 at page 195.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET FOR 1980-81

4. Consideration was given to a budget amendment amending the 1980-81 Annual Operating Budget of the City of Asheville.

The City Manager presented the budget amendment in the amount of \$16,833 to adjust the revenue appropriation and the operating budget for the McCormick Field/Memorial Stadium complex to reflect funding provided by Buncombe County through Asheville City Schools for improvements to Memorial Stadium. The original appropriation was established in July of 1978 in the amount of \$50,000.00, with a total of \$45,873.78 received to date and a final billing of \$4,126.22 still pending.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

ORDINANCE NO. 1206 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81

5. Consideration was given to an ordinance amending the Operating and Capital Budget for the City of Asheville for Fiscal Year 1980-81.

The City Manager read the ordinance explaining that this ordinance will summarize and ratify all budget amendments approved by City Council from October 1, 1980, through December 31, 1980.

Councilwoman Price moved for the adoption of Ordinance No. 1206. This motion was seconded by Councilman Wilkes.

On a roll call vote of 5-0, Ordinance No. 1206 passed on first reading.

the group development process which would require a review by the Planning and Zoning Commission and approval of Council.

Mr. Carter said the lot proposed to be rezoned is behind his business property and the railroad tracks and is unsuitable for anything but commercial property. He said his plans do not include putting a building on the lot.

Mrs. Sorrells of Fairview Avenue, spoke in opposition to the rezoning. She said the lot in question could have been used for residential property until Mr. Carter graded the lot leaving a steep bank on the property. She said there is no protection for the children in the area from the steep bank. She said their main objection to the rezoning is that they do not want any more industry or business property in the area. She said his present business, a laundrymat, generates a lot of traffic at the present.

Mr. Carter recommended that members of Council go look at the lot proposed to be rezoned. He said his intentions are to grade and landscape the lot. He said he would be willing to build a fence between the lot in question and the adjoining property owner. He said if the property is rezoned he could, in the future, add 10' to 15' to the rear of his present building.

It was the consensus of Council to go look at the property before taking action on the rezoning.

Mr. Terry Grissell, adjoining property owner, spoke in opposition to the rezoning.

A discussion was also held relative to requiring a 6' buffer of trees and/or a fence if a building was, in the future, constructed on the lot in question.

After discussion, Councilman Cole moved to continue the public hearing until March 19, 1981, without further advertisement. This motion was seconded by Councilman Wilkes and carried unanimously.

NOTE: Later in the meeting, a telephone call was received in the City Manager's Office from Mr. Carter requesting that the public hearing be continued until March 26, 1981.

Councilman Cole moved to continue the public hearing relative to rezoning property at 788 Fairview Road until March 26, 1981, without further advertisement. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1203 - AN ORDINANCE TO REGULATE THE USE OF WATER DURING DROUGHT CONDITIONS

3. Consideration was given to the third reading of Ordinance No. 1203, an ordinance to regulate the use of water during drought conditions.

The City Manager said at the March 5, 1981, meeting Council discussed amending the ordinance prior to the third reading to implement two

The City Manager read the resolution explaining that this resolution will reappoint Mr. Patrick Price and Dr. John P. Holt as members of the Asheville School Board to serve for a period of six years from and after the 1st day of April, 1981.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution 81-45 was unanimously adopted.

Complete text of Resolution 81-45 will be found in Resolution Book No. 12 at page 320.

NOTE: The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A) Resolution 81-46 - Resolution establishing and designating departments of the City as required by the City Charter.

HIGHLIGHTS: Section 26 of the Asheville City Charter, as enacted by Section 1, Chapter 27 Session Laws of 1981 provides, "that the City Council, after hearing recommendations by the City Manager, shall by resolution establish and designate departments of the City. This resolution will establish the following departments of the City of Asheville: Office of the City Manager, Office of the Associate City Manager/ City Clerk, Department of Administration, Employee Services Department, Finance Department, Planning Department, Community Development Department, Water and Sewer Services Department, Public Works Department, Parks and Recreation Department, Civic Center Department, Fire Department, and Police Department.

Resolution Book No. 12 at page 321.

- B) Resolution No. 81-47 - Resolution authorizing the City Manager to enter into a memorandum of understanding between the City of Asheville and S. L. McHone, Jr.

HIGHLIGHTS: The City of Asheville is in the process of performing work necessary to close the City of Asheville Landfill. The performance of this work must be done in accordance with the property lease provisions and certain requirements of the State of North Carolina. S. L.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1206. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1206 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1206. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1206 passed on the third and final reading.

Complete text of Ordinance No. 1206 will be found in Ordinance Book 9 at page 197.

RESOLUTION NO. 81-44 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF CITY PROPERTY, KNOWN AS STARMOUNT DRIVE PROPERTY (WARD 6, SHEET 32, LOT 53)

6. Consideration was given to a resolution accepting the high bid and authorizing the sale of City property, known as Starmount Drive property (Ward 6, Sheet 32, Lot 53).

The City Manager read the resolution explaining that the City Clerk's Office, pursuant to Resolution No. 81-16, advertised the sale of City of Asheville property known as Starmount Drive property (Ward 6, Sheet 32, Lot 53). Arlis Queen submitted the high bid of \$13,600.00 on February 20, 1981, and no upset bids have been received since that date. This resolution will authorize the sale of the property to Arlis Queen in the amount of \$13,600.00.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-44 was unanimously adopted.

Complete text of Resolution 81-44 will be found in Resolution Book No. 12 at page 319.

APPROVAL OF THE CONSENT AGENDA

7. Consideration was given to a motion for the approval of the consent agenda.

Councilwoman Price moved to consider Item E on the consent agenda, Resolution appointing members to the Asheville School Board, separately. This motion was seconded by Councilman Cole and was carried unanimously.

RESOLUTION NO. 81-45 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE SCHOOL BOARD

Consideration was given to a resolution appointing members to the Asheville School Board.

HIGHLIGHTS: The Planning and Zoning Commission at its meeting held on March 4, 1981, reviewed the site plan of the proposed Sky Harbor Factory Outlet Mall to be located at State Street and Amboy Road. After discussion the Commission voted to approve the proposed plan subject to the following: 1) Widening of service road entrance to allow for fire trucks; 2) Erosion control ordinance; 3) Approval from the Department of Human Resources; 4) Easements for entrance; 5) Easements for water and sewer lines; 6) Adequate buffering and landscaping plan.

- F) Scheduling of a public hearing relative to rezoning property along Leicester Highway from R-3 Residential District to CS Commercial Service District for April 2, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at its meeting held on March 4, 1981, considered a request of Eliada Home to rezone property in the Leicester Highway area from R-3 Residential District to CS Commercial Service District. The City Council requested that the entire area along Leicester Highway from the City limit line to the end of the City's zoning jurisdiction be included in this review. After discussion the Planning and Zoning Commission moved to approve the rezoning of several lots along Leicester Highway.

- G) Scheduling of a public hearing relative to rezoning property east of Roberts Street, south of Patton Avenue, west of Park Avenue and north of Clingman Avenue from H-1 Heavy Industrial to R-4 Residential District for April 2, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at its March 4, 1981, reviewed the request of Mr. Howard Hanger and other property owners that certain lots on Sheets 3 and 4 of Ward 4, be rezoned from H-1 Heavy Industrial to R-4 High Density Residential District. After discussion the Planning and Zoning Commission moved to approve a portion of the lots requested to be rezoned by Mr. Howard Hanger and other property owners.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

RESOLUTION 81-50 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH W & W CONTRACTING COMPANY, FOR THE PROJECT KNOWN AS HAW CREEK SEWER LINE

Consideration was given to a resolution authorizing the Mayor to

McHone, Jr., is highly qualified to oversee this work and is familiar with the City of Asheville Landfill property, the property lease provisions, and the requirements of the State of North Carolina Landfill sites. This resolution will authorize the City Manager to execute a memorandum of understanding between the City and S. L. McHone, Jr., for the performance of consulting services required to insure that the lease provisions and the requirements of the State of North Carolina applicable to Landfills are met.

Resolution Book No. 12 at page 322.

- C) Resolution No. 81-48 - Resolution of intent to close an alley adjoining Boyd Avenue and calling a public hearing on the question for April 16, 1981.

HIGHLIGHTS: A petition has been received from William Harrison, by and through William F. Wolcott, III, his Attorney of Record, requesting that an alley adjoining the west margin of Boyd Avenue be permanently closed to public use. The petitioners are the owners of the property adjoining said alley and the alley has never been physically opened nor maintained for public use as an alley or means of access to any land adjoining it. A public hearing relative to the closing of said alley will be held April 16, 1981.

Resolution Book No. 12 at page 323.

- D) Resolution No. 81-49 - Resolution authorizing John A. Powell to encroach upon the right-of-way of unnamed alley at 53 North Market Street.

HIGHLIGHTS John A. Powell has requested permission to encroach upon the right-of-way of an unnamed alley, located along the westernmost edge of property at 53 N. Market Street, for the purpose of placement of brick screen wall. The request for encroachment has been investigated by the Department of Public Works and in their opinion would not hinder the safe flow of traffic or pedestrian movement along the abovementioned alley. This resolution will authorize the encroachment upon said alley.

Resolution Book No. 12 at page 325.

- E) Scheduling of a public hearing relative to the site plan of the proposed Sky Harbor Factory Outlet Mall to be located at State Street and Amboy Road, plan prepared by Kenneth O. Pankow, Engineers, for C.C. Blount Associates, Developer, for April 2, 1981.

standing the Council would be making decisions in the next few weeks relative to the Strouse-Greenberg project in the Downtown area. He offered his organizations help in making their decisions.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes the meeting adjourned at 5:20 P.M.

Ray M. Hamilton
MAYOR

Harold J. Mellett
CITY CLERK

sign on behalf of the City of Asheville a contract with W & W Contracting Company, for the project known as Haw Creek Sewer Line.

The City Manager read the resolution explaining that on February 10, 1981, bids were opened on the Haw Creek Sewer Line Project. W. & W. Contracting Company submitted the low bid of \$123,022. This resolution will authorize the Mayor to award the bid to W & W Contracting Company.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 81-50 was unanimously adopted.

Complete text of Resolution 81-50 will be found in Resolution Book No. 12 at page 326.

RESOLUTION NO. 81-51 - RESOLUTION ACCEPTING A DEED FROM THE OWNERS OF PROPERTY LOCATED ON NEW HAW CREEK ROAD AND AUTHORIZING THE CITY CLERK TO RECORD SAID DEED WITH THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY

Consideration was given to a resolution accepting a Deed from the owners of property located on New Haw Creek Road and authorizing the City Clerk to record said deed with the Register of Deeds for Buncombe County.

The City Manager read the resolution explaining that Boyd W. and Jimmie C. Holcombe have executed an easement conveying to the City of Asheville a certain tract of land on New Haw Creek Road for the purpose of constructing and maintaining a sewer line. This resolution will accept the deed from Boyd W. and Jimmie C. Holcombe and direct the City Clerk to record said deed.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-51 was unanimously adopted.

Complete text of Resolution 81-51 will be found in Resolution Book No. 12 at page 327.

PROCLAMATION - AMERICAN ENERGY WEEK - MARCH 15 - 21, 1981

Vice-Mayor Morris proclaimed the week of March 15-21, 1981, as American Energy Week.

CLAIMS - EASTER J. BROWNING - MICHAEL D. FORKIN - MRS. FRANKIE CALHOUN - ELIMINA INMAN - DAWN LANTZIUS

The City Manager presented claims received from Easter J. Browning, Michael D. Forkin, Mrs. Frankie Calhoun, Elmina Inman and Dawn Lantzus.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

WAYNE CALDWELL - COMMENTS RELATIVE TO ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX - STROUSE-GREENBERG

Wayne Caldwell, of Save Downtown Asheville, said it was his under-

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-53 was unanimously adopted.

Complete text of Resolution No. 81-53 will be found in Resolution Book No. 12 at page 329.

The City Manager read the resolution relative to the execution of an easement agreement.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-54 was unanimously adopted.

Complete text of Resolution No. 81-54 will be found in Resolution Book No. 12 at page 330.

ORDINANCE NO. 1207 - AN ORDINANCE AMENDING ARTICLE V (ASHEVILLE REVITALIZATION COMMISSION) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO INCLUDE EXPANDED DUTIES IN CONNECTION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT

3. Consideration was given to an ordinance amending Article V (Asheville Revitalization Commission) of the Code of Ordinances of the City of Asheville to include expanded duties in connection with the Department of Economic Development.

The City Manager said that in the three and one-half years since the establishment of the Revitalization Commission it has become apparent that the role of the Commission should be expanded to incorporate the general and continuous revitalization and economic needs of the City. The proposed amendment to the Asheville Revitalization Commission Ordinance would retain the spirit and vitality of the membership of this Commission while blending its responsibilities with those of the new Department of Economic Development.

Upon inquiry of the City Manager, the Corporation Counsel said it would not be necessary to read the entire ordinance since members of Council were furnished copies of the ordinance and fully understood the contents therein. He said the news media had also been informed of the contents of the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1207. This motion was seconded by Councilman Brownlee.

On a roll call vote of 6-0, Ordinance No. 1207 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1207. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1207 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1207. This motion was seconded by Councilwoman Price and carried unanimously.

Thursday - March 19, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

Councilman Wilkes commended Mayor Trantham for contacting officials in Atlanta to offer the City of Asheville's help in their problem in the killings in Atlanta.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 12, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the minutes of the March 12, 1981, meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF BURTON STREET

RESOLUTION 81-53 - RESOLUTION TO CLOSE A PORTION OF BURTON STREET

RESOLUTION 81-54 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH GEDWIN ROBERSON, GAYNELL ROBERSON, PAUL B. ROBERSON, MARY H. ROBERSON, HUGH H. ROBERSON AND CECILIA R. ROBERSON FOR THE PURPOSE OF MAINTAINING AN EXISTING SEWER LINE THROUGH THEIR JOINTLY OWNED PROPERTY ALONG PATTON AVENUE

2. A public hearing was held relative to closing a portion of Burton Street.

Mayor Trantham opened the public hearing at 4:10 p.m.

The City Manager presented the notice to the public setting the date and time for the public hearing.

William C. Frue, Attorney for the petitioners, said City Council closed Burton Street Bridge, by adoption of Resolution No. 77-98. He said it was the petitioner's intent at the time of the closing of Burton Street Bridge to have this portion of Burton Street closed also. He said the City has in fact physically closed Burton Street as it traverses the property owned by the petitioners.

The City Manager read the resolution to close a portion of Burton Street.

5. Consideration was given to a resolution authorizing the establishment of Street Lighting Policy for the City of Asheville.

The City Manager read the resolution explaining that the City of Asheville has installed street lights in both residential and commercial areas upon the request of nearby residents or business people. Formerly little consideration was given to the cost involved for the continuing operations of the street lights as well as rational approaches to the spacing or clustering of the lights. It is now desirous that a specific policy be implemented which will provide assistance to the Traffic Engineering Division in assessing the need, the spacing and quantity of street lights the City of Asheville will provide and maintain. This resolution will establish a street lighting policy.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-56 was unanimously adopted.

Complete text of Resolution No. 81-56 will be found in Resolution Book No. 12 at page 332.

CITY COUNCIL MEETING - MARCH 26, 1981 - THOMAS WOLFE AUDITORIUM - ASHEVILLE CIVIC CENTER

6. Consideration was given to a motion scheduling the regular session of the City Council for Thursday, March 26, 1981, for 3:00 P.M. instead of 4:00 P.M., the location to be the Thomas Wolfe Auditorium at the Civic Center.

Councilman Wilkes moved to schedule the regular session of the City Council meeting for Thursday, March 26, 1981, for 3:00 P.M. instead of 4:00 P.M. the location to be the Thomas Wolfe Auditorium at the Civic Center. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF CONSENT AGENDA

7. Consideration was given to a motion approving the items on the consent agenda.

NOTE: The following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A) Scheduling of a hearing relative to an appeal of the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund for W. B. Allison for April 16, 1981.

On a roll call vote of 6-0, Ordinance No. 1207 passed on third and final reading.

Complete text of Ordinance No. 1207 will be found in Ordinance Book No. 9 at page 198.

Councilman Boland said the City, in making future ventures of this type, might want to consider a joint City/County venture, since revitalization and economic development happenings in the County also affect the City of Asheville. He said he was also interested in the non-profit development corporation outlined in the ordinance.

Upon inquiry of Councilman Boland, the City Manager said in the next few weeks he would clarify the responsibilities of the Planning and Zoning Commission as it relates to the functions of the Asheville Revitalization Commission and the Department of Economic Development. He said there were no duplicate responsibilities but he would clearly define the responsibilities.

RESOLUTION NO. 81-55 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

4. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution explaining that this application for a grant will be to obtain federal financial assistance to support transit operations. The grant, under Section 5 of the Urban Mass Transportation Act of 1964, as amended, will provide 50% funding for operating cost incurred by the Asheville Transit Authority. This is an annual grant and will be for the period July 1, 1980 to June 30, 1981. The project cost is estimated at \$825,222. The federal share will be \$412,611 and the local share will be \$412,611.

A discussion was held relative to federal funding for the operating cost of the Asheville Transit Authority in future years.

Mr. Carl Owenby of the Planning Department, said funding would be available through 1985 from the Federal Government.

A discussion was held relative to the long range plans for the transit operations.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 81-55 was unanimously adopted.

Complete text of Resolution No. 81-55 will be found in Resolution Book No. 12 at page 331.

RESOLUTION NO. 81-56 - RESOLUTION AUTHORIZING THE ESTABLISHMENT OF STREET LIGHTING POLICY FOR THE CITY OF ASHEVILLE

\$6,400 and to accept the high bid of Jerry Payne, Inc., to purchase the personal property therein in the amount of \$25. Funding will be 66-02-695 - Motor Transport Facility Fund.

Upon motion of Councilman Cole, seconded by Councilman Boland, the consent agenda was unanimously approved.

RESOLUTION NO. 81-59 - RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW RENT PUBLIC HOUSING

8. Consideration was given to a resolution approving application for preliminary loan for low rent public housing.

The City Manager said Mr. David Jones, Executive Director of the Asheville Housing Authority met with the Asheville City Council during the pre-meeting on March 19, 1981, and explained that there were funds available for low rent housing in the City of Asheville.

The City Manager read the resolution explaining that this will authorize the Housing Authority to submit an application for 40 units of elderly conventional units.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-59 was unanimously adopted.

Complete text of Resolution No. 81-59 will be found in Resolution Book No. 12 at page 335.

RESOLUTION NO. 81-60 - RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW RENT PUBLIC HOUSING

9. Consideration was given to a resolution approving application for preliminary loan for low-rent public housing.

The City Manager read the resolution explaining that this would authorize the Housing Authority to submit an application for 40 units of family conventional units.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-60 was unanimously adopted.

Complete text of Resolution No. 81-60 will be found in Resolution Book No. 12 at page 336.

RESOLUTION NO. 81-61 - RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT

10. Consideration was given to resolution authorizing the execution of a cooperation agreement.

The City Manager read the resolution explaining that the cooperation agreement was necessary pursuant to the resolution previously adopted.

HIGHLIGHTS:

W. B. Allison retired from the Asheville Police Department under normal retirement in 1977. In December of 1978, Mr. Allison requested a change of status from normal retirement to disability retirement in the line of duty. After reviewing evidence presented by Mr. Allison, the Board of Trustees denied Mr. Allison's request. Mr. Allison is appealing the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund to the Asheville City Council. This hearing, pursuant to N. C. General Statute, will be held on April 16, 1981, at the regular Council meeting.

- B) Resolution No. 81-57 - Resolution authorizing the Director of Finance to sell surplus property.

HIGHLIGHTS:

This resolution will authorize the Director of Finance to sell seven waste container boxes and one 1969 Front-end Tractor. This property has no beneficial use to the City and must be removed from the City landfill site so that work required to close the landfill may begin. The Asheville City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of \$100 shall be made by the Director of Finance unless direction be made by Council by resolution.

Resolution Book No. 12 at page 333.

- C) Resolution No. 81-58 - Resolution authorizing the Mayor of the City of Asheville to execute a Deed of Easement in favor of the North Carolina Department of Transportation.

HIGHLIGHTS:

The North Carolina Department of Transportation has requested the City of Asheville to execute a Deed of Easement for a right-of-way relative to State Project 8.2017501 (widening of Valley Street). The North Carolina Department of Transportation has agreed to pay the City of Asheville \$124,524 for this easement.

Resolution Boook No. 12 at page 334.

- D) Approval of bids received March 12, 1981, to demolish existing structures on property known as the E. Ted Linn property and/or the purchase of various personal property therein.

HIGHLIGHTS:

Five bids were received. Recommendation of acceptance of low bid submitted by Perry M. Alexander Construction Co. in the amount of

Thursday - March 26, 1981 - 3:00 p.m.
Asheville Civic Center
Thomas Wolfe Auditorium

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 19, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the March 19, 1981, meeting were approved as submitted.

CONTINUATION OF PUBLIC HEARING - REZONING PROPERTY AT 788 FAIRVIEW ROAD

ORDINANCE NO. 1205 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Property at 788 Fairview Road)

2. A public hearing relative to rezoning property at 788 Fairview Road was continued from the March 12, 1981, meeting.

Mayor Trantham said that this public hearing was opened at the March 12, 1981, meeting and continued until the March 26, 1981, meeting to give Council members an opportunity to visit the property in question.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held February 4, 1981, considered the petition of Mr. Fletcher Carter that Ward 7, Sheet 26, Lot 380, be rezoned from R-3 Medium Density Residential District to CG Commercial General District. After discussing the issues of this request, the Commission voted to accept the Staff report and recommend to City Council that the property be rezoned as petitioned. At the March 12, 1981, meeting, the City Council continued the public hearing until March 26, 1981, to give Council members an opportunity to visit the property in question.

Mr. Emrick said that opposition was received at the Planning and Zoning meeting as well as at the public hearing on March 19, 1981, meeting of the City Council. He said that he had been told that the adjoining property owner, Mr. Friszell had withdrawn his opposition. He said Mr. Carter proposes to use the property for parking purposes.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-61 was unanimously adopted.

Complete text of Resolution No. 81-61 will be found in Resolution Book No. 12 at page 337.

RESOLUTION NO. 81-62 - RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT

10. Consideration was given to resolution authorizing the execution of a cooperation agreement.

The City Manager read the resolution explaining that the cooperation agreement was necessary pursuant to the resolution previously adopted.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 81-62 was unanimously adopted.

Complete text of Resolution No. 81-62 will be found in Resolution Book No. 12 at page 338.

CLAIMS - MRS. F. M. OWENS - PHIL HAMBY - HOWARD LYDA

The City Manager presented claims received from Mrs. F. M. Owens, Phil Hamby and Howard Lyda.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendations.

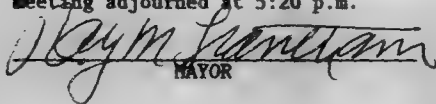
AGREEMENT - PATTON - HUNTER, COMPANY - WATER DEPARTMENT CHARGES

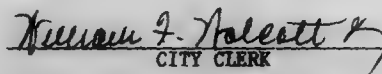
The City Manager said the City of Asheville has received \$400,000 from the County of Buncombe for administrative services provided to the Water Department. He said the Water Authority would be reviewing the Water Department budget this year and he felt that it would be in the best interest of the City to have a survey made to determine if the charges are correct. He said he had requested Patton and Hunter to submit a proposal for the survey and he had received the proposal in the amount of \$4,000. He requested that Council authorize the City Manager to execute an agreement with Patton and Hunter, Company, to determine if the charges to the Water Department are correct.

Councilwoman Price moved that the City Manager be authorized to execute an agreement with Patton and Hunter, Company, to determine if the charges to the Water Department for administrative services are correct. This motion was seconded by Councilman Boland and carried unanimously.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole the meeting adjourned at 5:20 p.m.


MAYOR


CITY CLERK

annexation. He said before the public hearings Council must adopt a plan of annexation, which would be scheduled for consideration on April 9, 1981. He said the full plan and the services that would be provided would be discussed at the public hearing on April 30, 1981. He said after the public hearing, Council will consider the adoption of annexation ordinances and the ordinances will be considered on May 14, May 21, and May 28, 1981. He said the effective date of the annexation ordinances, if adopted, would be June 30, 1981.

RESOLUTION NO. 81-63 - RESOLUTION OF INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS THE CHUNNS COVE AREA

4. Consideration was given to a Resolution of Intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Chunns Cove Area.

Verl Emrick, Director of Planning, by the use of an overhead projector described the Chunns Cove area being considered for annexation.

Mr. Emrick then read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-63 was unanimously adopted.

Complete text of Resolution No. 81-63 will be found in Resolution Book No. 12 at page 339-340.

NOTE: Later during the meeting the Corporation Counsel said that an error was found in the legal description in Resolution 81-63. Councilman Boland moved that Resolution 81-63 be amended by deleting the word "northwesterly" in line 9 in the legal description and inserting in lieu thereof the word "northeasterly." This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-64 - RESOLUTION OF INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS THE BINGHAM ROAD AREA

5. Consideration was given to a Resolution of Intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Bingham Road Area.

Verl Emrick, Director of Planning, by the use of an overhead projector described the boundaries of the Bingham Road being area considered for annexation.

Mr. Emrick then read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-64 was unanimously.

Complete text of Resolution No. 81-64 will be found in Resolution Book No. 12 at page 341-343.

Upon inquiry of Councilwoman Price, Mr. Emrick said if the property is developed a buffer, between the commercial and the residential property could be required.

Mr. Carter spoke in support of the rezoning of his property at 788 Fairview Road. He said the adjoining property owner, Mr. Friszell, has no objection to the rezoning. He said they had discussed building a fence between the two properties and he would be willing to put a buffer between the two properties.

Mayor Trantham closed the public hearing at 3:25 p.m.

The City Manager read the ordinance rezoning the property as petitioned.

Councilwoman Price moved for the adoption of Ordinance 1205. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1205 passed on first reading.

PROCEDURES FOR CONSIDERING ITEMS RELATIVE TO ANNEXATION

3. Mayor Trantham noted that the consideration of the Resolutions of Intent scheduled on the agenda is not a public hearing process. He said the public hearing would be held on April 30, 1981. However, anyone wishing to speak relative to the adoption of the resolutions would be given an opportunity to speak. He asked that a spokesman for a group, limit their comments to five minutes and individual speaking for themselves, limit their comments to three minutes. He said those attending and wishing to speak on a particular area was asked to sign a form when they arrived at the meeting. He said that individuals signing the forms would be called on first then others wishing to speak would be given an opportunity.

Verl Emrick, Director of Planning, said for the past year the City has been considering annexing thirteen areas that are contiguous to the municipal boundary. He said these were studied in detail applying the general standards required by the North Carolina General Statutes. He said the final recommendations were presented to Council on March 17, 1981. He said the Planning Staff went through a process of community meetings to receive opinions from individuals that would be affected by the annexations. He said tape recordings of the community meetings were made available to Council on March 17, 1981.

Mr. Emrick reviewed the different ways a municipality can annex areas pursuant to the North Carolina General Statutes. He said all requirements of the North Carolina General Statutes must be met in annexing property into the City.

Mr. Emrick said at the presentation to Council on March 17, 1981, a specific timetable and process was also presented. He said the first process is to prepare a plan for annexation, which has been done and presented to Council. He said the second step is the adoption, by Council, of Resolutions of Intent to annex and the scheduling of public hearings relative to the

Verl Emrick, Director of Planning, by the use of an overhead projector described the boundaries of the Sweeten Creek Road area being considered for annexation.

Mr. Emrick then read the resolution.

Martha Weir of 1741 Hendersonville Road, said her family owns a farm in the area proposed for annexation. She said the farm is the first parcel of land on the right to be annexed. She said the land is very productive and annexation could change the status of the property. She requested that Council exempt farm land from annexation.

At the request of Mayor Trantham, Attorney Herbert Hyde, representing the City on legal matters dealing with annexation, said the annexation ordinances were prepared in detail and very precise, pursuant to the requirements outlined in the North Carolina General Statutes dealing with annexation by municipalities. He said several standards have to be met in annexing property. He said if Council granted any exclusions from the annexation area, it might make the whole area ineligible for annexation. He said Council should be very careful in considering any amendments or changes to the annexation plan or ordinance.

Upon inquiry of Mrs. Martha Weir, Mr. Hyde said the Racquet Club was excluded from the annexation area, due to the fact that including the Racquet Club would have reduced the population level area and the population test as required by the North Carolina General Statutes could not be met.

Stuart Lewis, President of the Executive Committee of Crowfields, said the residents in the Crowfield area were very opposed to the proposed annexation. He said Crowfields comprises about 150 unit owners, with property values in excess of \$10,000,000, which would be approximately ten percent (10%) of the proposed annexation area in the four areas under consideration for annexation. He said at the present there are no deficiencies in services, in Crowfields. He said the only thing Crowfield owners would receive from the annexation would be a tax bill of \$100,000 per year. He said there was a lack of orderly growth in the proposed annexation plan. He said it had been changed several times in the last year. He said Crowfields has retained legal counsel to represent their interest. He said they feel the annexation plan is not a sound one. He said they are concerned about the friction that has developed between the City and the County. He said the Council members should have attended the community meetings held by the Planning Department. He said Council should take a long range look at whether this is the way to go for orderly growth for the City of Asheville.

Lee Jackson, of Ballantree, said the basic response of all those attending the community meeting at T. C. Roberson High School, relative to annexation was overwhelmingly negative. He said the Ballantree residents were 100% opposed to the proposed annexation. He said the Ballantree residents are not lacking for service at the present time. He said if they wanted to be annexed there are provisions in the statutes for them to petition to be annexed.

Mr. Edmund Burke, Jr., of Crowfields, quoted statements from the newspaper made by Governor Hunt that citizens have a right to express their

RESOLUTION NO. 81-65 - RESOLUTION OF INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS THE PATTON AVENUE AREA

6. Consideration was given to a Resolution of Intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Patton Avenue Area.

Verl Emrick, Director of Planning, by the use of an overhead projector described the boundaries of the Patton Avenue area being considered for annexation.

Mr. Wayne Cooper, of 139 Smokey Park Highway said he had a letter signed by sixty-four people in the Patton Avenue area that will be sent to the Congressman and Senators in Raleigh. He said a lot of questions need to be answered relative to the annexation. He said Square D, Wintex, Oldsmobile, AppleTree, and Switzer would not have located in that area if it had been in the City limits. He said annexation would force industry to move out and the City would loose in the end. He said he personally feels a metropolitan government would be better. He said the people in the area will receive nothing in return for their annexation. He asked why the City didn't annex Biltmore Forest. He said the City needs to give this matter very serious thought and he felt that the City should offer more in annexations. He said the people in the Patton Avenue area were very angry over the proposed annexation.

W. V. Henry of 98 Starnes Cove Road, asked why Asheville School was included in the annexation when there should be two people per acre according to the calculations in the North Carolina General Statutes.

Mr. Emrick informed Mr. Henry that Institutional property, such as the Asheville School is exempt from the calculations required by the North Carolina General Statutes.

Mr. Henry said the City's projects such as the Urban Renewal, Civic Center, and the Parking Garage did not go as planned and the Downtown Area has a lot of vacant buildings. He asked what kind of assurance the City could give to the residents of Buncombe County that their lives and property would not be administered in the same manner.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-65 was unanimously adopted.

Complete text of Resolution No. 81-65 will be found in Resolution Book No. 12 at page 343-344.

RESOLUTION NO. 81-66 - RESOLUTION OF INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS THE SWEETEN CREEK ROAD AREA

7. Consideration was given to a Resolution of Intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Sweeten Creek Road Area.

cation to the city's tax collecting agent and upon the showing of proof of purchase of the first motor vehicle registration, a second registration may be purchased for fifty cents (\$0.50) if the motor vehicle so registered is sold or traded or if the original registration decal is lost or destroyed.

Mr. Smith said the City Manager met with officials from the County and the Board of Tax Supervision and an agreement was reached that a special form would be sent out with the Tax Listing forms, sent out in December, for residents of the City to register their motor vehicles and return the form to the City along with the registration fee prior to February 15th of each calendar year.

Mr. Smith then re-read the ordinance incorporating the amendments to the ordinance.

Councilwoman Price moved that Ordinance No. 1204 be amended as read by Mr. Smith. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1204 passed on second reading.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

10. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$3,239 to provide payment for construction and inspection costs for the West Asheville Street and Drainage Project. He said funding would be provided from the Haywood Road Sewer Line Project.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

SIGN PERMIT - AMERICAN LOG HOMES, INC. - 295 HAYWOOD STREET

11. Consideration was given to a sign permit for the American Log Homes, Inc., at 295 Haywood Street.

The City Manager said American Log Homes, Inc., has applied for a sign permit to erect wall lettering on their building at 295 Haywood Street. This property is zoned commercial regional. The sign meets all building and zoning requirements. The sign will be within 600 feet of a limited access highway requiring approval from Council pursuant to Zoning Ordinance No. 322. American Log Homes, Inc., received approval from Council on February 26, 1981, to erect a roof sign with 24" lettering.

After discussion, it was a consensus of Council that this item be postponed until the April 2, 1981, meeting.

RESOLUTION NO. 81-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A REVISED MEMORANDUM OF UNDERSTANDING WITH STROUSE-GREENBERG COMPANY EXTENDING THE DATE OF THE CITY'S DECISION REGARDING THE PROJECT. UNTIL SEPTEMBER 1, 1981

opinions relative to annexation and the Council would consider their opinions. He said he hoped this Council would consider the opinions being given as stated by Governor Hunt.

Marion Hanover, of Skyland asked if their property is annexed, would Council provide the residents the same type services they are now receiving such as, garbage service, including carrying the cans to the street and back and personal Rescue and Ambulance Service. She said the proposed annexation is "aggression" or an "unprovoked attack." She said the people in the area have no rights to defend themselves.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-66 was unanimously adopted.

Complete text of Resolution No. 81-66 will be found in Resolution Book No. 12 at page 345-348.

ANNEXATION PLAN TO BE CONSIDERED - APRIL 9, 1981

8. Vice-Mayor Morris moved that the final plan for annexation be considered for adoption at the April 9, 1981, City Council meeting to be held at the Asheville Civic Center at 4:00 p.m. This motion was seconded by Councilman Brownlee and carried unanimously.

ORDINANCE NO 1204 - AN ORDINANCE AMENDING SECTION 28-154 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES TO CLARIFY THE MOTOR VEHICLE REGISTRATION REQUIREMENT

9. Consideration was given to the second reading of Ordinance No. 1204, an ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the motor vehicle registration requirement.

Mayor Trantham said this ordinance was previously read on its first reading on March 12, 1981, and would not be reread in its entirety unless there was a specific request to do so.

Mr. Mike Smith, Director of Administration, said during the discussion of this ordinance at the first reading, legislation and enforcement problems were encountered. He said Council asked the City staff to determine easier and more enforceable means of collecting the motor vehicle registration fees. He said an amendment has been prepared for Councils' consideration to include that any motor vehicle, private or for hire, including any taxi or truck, which is required to be listed for the purposes of personal property taxes within the City of Asheville and for which a North Carolina State license plate or tag is issued shall be registered with the tax collecting agent with the City of Asheville designated by the City Manager; provided, however, that motor vehicles weighing 300 pounds or less need not be registered. The period of registration shall include the twelve months following January 1st of each calendar year. The registration fee shall be due and payable on or before February 15th of each calendar year. The fee for such registration shall be five dollars (\$5.00) if the motor vehicle is registered within six months from the beginning of the period of registration or two dollars and fifty-cents (\$2.50) if the motor vehicle is registered in the second six months of the period of registration. Upon personal appli-

- A) Resolution No. 81-68 - Resolution authorizing the Mayor of the City of Asheville to enter into a lease agreement for the City for use of the Asheville Catholic Community School Athletic Field and Playground.

HIGHLIGHTS: The City of Asheville Parks and Recreation Department has for several years used the Asheville Catholic Community School athletic field during evening hours throughout the spring and summer in order to conduct a Little League program in the North Carolina area. In order to continue the Little League program in the North Asheville area and preserve the cooperative agreement for use of the Asheville Catholic Community School athletic field, a formal Lease is proposed. The City of Asheville desires to lease the Asheville Catholic Community School athletic field and playground for the period of April 1, 1981, through August 15, 1981, at a rent of One (\$1.00) Dollar.

Resolution Book No. 12 at page 350.

- B) Resolution No. 81-69 - Resolution authorizing the Director of Parks and Recreation to enter into a lease agreement with the Asheville Civic Center on behalf of the Asheville Buncombe County Youth Council for the presentation of the Battle of the Bands.

HIGHLIGHTS: The Asheville Buncombe County Youth Council plans to present the Annual Battle of the Bands, a band competition for area teenagers. The Battle of the Bands is scheduled for Saturday evening, May 16, 1981, at 8:00 p.m., and community business - sponsored cash awards will be distributed to winners of the competition. The Asheville Civic Center has reserved the exhibition hall for this event upon a guarantee of \$600 of which the youth council will secure through admission charges of tickets. This resolution will authorize the Director of Parks and Recreations to enter into a lease agreement on behalf of the Asheville Buncombe County Youth Council for the presentation of the 1981 Battle of the Bands at the Asheville Civic Center.

Resolution Book No. 12 at page 351.

- C) Resolution No. 81-70 - Resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

HIGHLIGHTS: Article 12 of Chapter 160A of North Carolina General Statutes provides that a municipality

12. Consideration was given to a resolution authorizing the City Manager to sign a revised memorandum of understanding with Strouse-Greenberg Company extending the date of the city's decision regarding the project, until September 1, 1981.

The City Manager read the resolution explaining that on December 22, 1980, the City Council entered into a memorandum of understanding with Strouse-Greenberg Company. The agreement required that the City Council decide whether or not to proceed with the project by April 1, 1981. However, there are several factors which indicate that the City Council should extend the decision date from April 1, 1981, to September 1, 1981: 1) The draft report from Price, Waterhouse Company indicates that the project "offers the City a potentially significant economic stimulus in the presently deteriorating downtown area" but there are four areas of concern which require a timely resolution, those being: a) off-site costs; b) tax-exempt bond status; c) UDAG grant; and d) major anchor tenants. The two major concerns of the City in this list are the off-site costs and the UDAG grant. The majority of the off-site costs are road projects, the funding of which is directly related to the federal budget and the North Carolina General Assembly action related to the state budget in general and specific action it might take on the Department of Transportation Blue Ribbon Study recommendations. The current status of federal grant programs is uncertain and the decision regarding federal budget amendments and new federal programs will probably not stabilize until late summer. And, the decisions regarding the state budget may be postponed until the federal budget is decided.

Joe Lowrance, with Strouse-Greenberg, Company, said that his company is in agreement with the resolution as presented by the City Manager.

Wayne Caldwell, President of Save Downtown Asheville, requested that Council not approve or renew the memorandum of understanding with Strouse-Greenberg, Company. He said the present developers in the downtown area would like to continue with revitalizing the area. He said they hesitate to continue until they can be assured that the Strouse-Greenberg project will not be approved.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-67 was unanimously adopted.

Complete text of Resolution No. 81-67 will be found in Resolution Book No. 12 at page 349.

APPROVAL OF THE CONSENT AGENDA

13. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

The City Manager read the resolution explaining that this action was necessary in order to comply with FAA regulations in regard to the light lane.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-72 was unanimously adopted.

Complete text of Resolution No. 81-72 will be found in Resolution Book No. 12 at page 354.

CLAIMS - WAYNE JUSTICE - TIMOTHY TAYLOR - HOWELL CLINKSCALE - ELMA BLAKE

The City Manager presented claims received from Wayne Justice, Timothy Taylor, Howell Clinkscale and Elma Blake.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the meeting adjourned at 5:30 P.M.


MAYOR


CITY CLERK

may dispose of personal property valued at less than \$5,000 for any one item or group of similar items through private negotiation and sale. The Motor Transport Division of the City of Asheville has approximately 150 used tires for which the City has no use. The value of this personal property is less than \$5,000 for the group of similar items. This resolution will authorize the Motor Transport Superintendent to dispose of the property described above by private sale at a negotiated price.

Resolution Book No. 12 at page 352.

- D) Resolution No. 81-71 - authorizing the City Manager to sign a contract for claims administration service for the Worker's Compensation Program for the City of Asheville.

HIGHLIGHTS: The City of Asheville is required to provide worker's compensation coverage for its employees pursuant to Chapter 97 of the North Carolina General Statutes. The City has been covered by January 31, 1980, by Aetna Casualty & Surety Insurance Company under the State of North Carolina's assigned risk, worker's compensation program. Based on the favorable experience of the City under the assigned risk program, the Asheville-Buncombe County Insurance Advisory Committee has recommended that the City provide worker's compensation coverage to its employees on a self-insured basis with a professional third party administrator. Through the assistance of the Asheville-Buncombe Insurance Advisory Committee, the City has received a responsive proposal for such third party administration from James H. Woodside and Company, Inc., of Greenville, South Carolina. That this resolution would authorize the City Manager to sign a contract for third party worker's compensation administrative services with James H. Woodside and Company, Inc., of Greenville, South Carolina.

Resolution Book No. 12 at page

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

RESOLUTION NO. 81-72 - RESOLUTION AUTHORIZING THE ACQUISITION AND LEASE OF PROPERTY IN THE AIRPORT EXPANSION PROJECT AREA

Consideration was given to a resolution authorizing the acquisition and lease of property in the Airport Expansion Project Area.

Mayor Trantham opened the public hearing at 4:16 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at its meeting held on March 4, 1981, reviewed the site plan of the proposed Sky Harbor Factory Outlet Mall to be located at State Street and Amboy Road. After discussion the Commission voted to approve the proposed plan subject to the following: 1) Widening of service road entrance to allow for fire trucks; 2) Erosion control ordinance; 3) Approval from the Department of Human Resources; 4) Easements for entrance; 5) Easements for water and sewer lines; 6) Adequate buffering and landscaping plan. He said the property would be used for a melange of factory outlets. He said the proposed use is more desirable to the neighborhood than a manufacturing plant since it is close to residential property. He said the development would employ about 250 employees and have an estimated revenue to the City and County of approximately \$78,000 per year. He said the property has a natural buffer from the residential property on the Amboy Road and State Street property lines.

Mr. Emrick said several streets which had been recorded on a plat in 1946 will be permanently closed by the City of Asheville by the adoption of a resolution by the City Council which is scheduled on today's consent agenda.

By the use of a map, Mr. Emrick reviewed the location of the property in question. He said all the conditions outlined by the Planning and Zoning Commission have either been met or in the process of being complied with.

Mr. C. C. Blount, President of C. C. Blount Associates, gave a brief description of the proposed use of the property. He said the latest trend in merchandising is in factory outlets. He said 20 to 30 factory outlets will be under one roof, with the construction of a three level building. He said the building will be designed to take advantage of the topography of the land and will conform to the contour of the land. He said they plan to leave as much natural buffer as possible. He said an opening date is scheduled for April or May of 1982.

Upon inquiry of Mayor Trantham, Mr. Blount said he had received a letter of commitment from the Carolina Power and Light Company to obtain an easement from them in connection with the project.

Mrs. Elrod of Michigan Avenue, said the residents in the area do not oppose the development of the project but were concerned about a buffer zone on the west side of the property. She said the residents would like a 50' buffer on the west side and be assured that the entrance to the property could be used beyond the buffer zone.

Kenneth O. Pankow, Architect, said the buffer zone would be in accordance with the zoning ordinance and Mr. Blount plans to extend the buffer to protect the residents.

Mayor Trantham closed the public hearing at 4:49 p. m.

Thursday - April 2, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 26, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the March 26, 1981 meeting were approved as submitted.

PRESENTATION BY QUALITY FORWARD - APRIL - CLEAN SWEEP MONTH

2. Mrs. Jean Webb, Executive Director of Quality Forward, gave a brief presentation of what activities would be going on during the month of April, as April being "Clean Sweep Month." She said Quality Forward is hosting an appreciation breakfast for Sanitation and Code Enforcement personnel on Friday, April 3, 1981 at 7:00 a. m. She thanked members of Council for accepting the invitation to attend the breakfast.

Mrs. Webb said a campaign will be started by Mr. George Self for individuals to call in their problems with sanitation to Quality Forward or the Service and Information Desk. She said a special telephone will be installed in the Quality Forward office to receive the complaints. She said during the month of April the Code Enforcement officers will be very active enforcing the sanitation codes. She said the Department of Transportation has designated April 11-17 as Clean Up State Roads week. She said trash cans will be placed at various locations for this clean up and trash bags will be furnished. She said 31,000 car litter bags have been ordered and will be distributed during April by the Chamber of Commerce and the Quality Forward office. She said problems with dumpsters will try to be abated during this month. She said their office has also started a program to deal with the problems of uncovered trucks.

Mrs. Webb said "Cash for Trash Day" will be April 25, 1981.

PUBLIC HEARING - GROUP DEVELOPMENT - SKY HARBOR FACTORY OUTLET MALL - STATE AND AMBOY

3. A public hearing was held relative to the site plan of the proposed Sky Harbor Factory Outlet Mall to be located at State Street and Amboy Road, plan prepared by Kenneth O. Pankov, Engineers, for C. C. Blount Associates, Developers.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Mr. Emrick said 520 property owners were notified, by certified mail, that the property was being considered for rezoning. He said no substantial opposition was received. He said Leicester Highway is scheduled to be widened to four lanes and the topography of the land indicates that the main highway is being used for commercial use.

Mr. Emrick said a letter had been received from Mrs. Nesbitt, a property owner in the area indicating that she wished her lots, Lot 15, 42, and 46 of Hazel 13 be included in the rezoning. He said the letter was received after the Planning and Zoning Commission meeting and therefore was not considered during the meeting. However, Council could add Mrs. Nesbitt's lots in the rezoning if they so desired.

Mrs. Nesbitt spoke on behalf of her lots being included in the rezoning. She said the property is undesirable for residential use. She said her lots would be included if Council chose to include rezoning the entire area along Leicester Highway from the City Limit line to the end of the City's zoning jurisdiction. She said no opposition was received to rezoning the entire area.

The Executive Director of the Eliada Home, spoke in favor of rezoning the entire area to Commercial Service District. He said the property can not be utilized as residential property.

A discussion was held among Council members relative to rezoning the entire area along Leicester Highway to Commercial Service District. It was noted that the area is fastly approaching commercial and the rezoning would legalize the commercial encroachment.

Ms. Lucille Lane, adjoining property owner of Mrs. Nesbitt, requested that Council zone the entire area along Leicester Highway Commercial. She said she would also like to include her property into the rezoning.

Pauline Brookshire also a property owner along Leicester Highway requested that Council proceed with rezoning the entire area to Commercial.

Mr. Emrick informed Council that two ordinances were prepared for Council's consideration. He said an ordinance was prepared (Alternate #1) rezoning the entire area along Leicester Highway to Commercial Service District and an ordinance was prepared (Alternate #2) rezoning the portion recommended by the Planning and Commission.

After discussion, Mayor Trantham closed the public hearing at 5:30 p. m.

Councilman Boland moved that Council consider the adoption of (Alternate #1) rezoning the entire area along Leicester Highway to Commercial Service District. This motion was seconded by Councilman Cole and carried on a voice vote of 5-2, with Councilwoman Price voting "no," and Vice-Mayor Morris voting "no."

Mr. Emrick read the ordinance rezoning the entire area along Leicester Highway to Commercial Service District.

Councilman Wilkes moved for the adoption of Ordinance No. 1208. This motion was seconded by Councilman Brownlee.

After discussion, Councilwoman Price moved to approve the site plan for the Sky Harbor Factory Outlet Mall contingent upon the conditions outlined by the Planning and Zoning Commission and further that on the north and north eastern border, between the access road and State Street be left in a natural and wooded environment and that the western property line be planted in accordance with Item 2 of Section 30-3-14 of the Zoning Ordinance. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 81-73 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS FROM JAPAN, NORWAY, FINLAND AND GERMANY THAT ARE PARTICIPATING IN THE PROGRAM

4. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the foreign exchange students from Japan, Norway, Finland and Germany that are participating in the program.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, Resolution No. 81-73 was unanimously adopted.

Complete text of Resolution No. 81-73 will be found in Resolution Book No. 12 at page 355.

Mayor Trantham along with the principal of Asheville High School, presented the foreign exchange students with a letter of welcome and a copy of the resolution adopted.

PUBLIC HEARING - REZONING PROPERTY ALONG LEICESTER HIGHWAY - R-3 RESIDENTIAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT

ORDINANCE NO. 1208 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Leicester Highway)

5. A public hearing was held relative to rezoning property along Leicester Highway from R-3 Residential District to CS Commercial Service District.

Mayor Trantham opened the public hearing at 5:02 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at its meeting held on March 4, 1981, considered a request of Eliada Home to rezone property in the Leicester Highway area from R-3 Residential District to CS Commercial Service District. The City Council requested that the entire area along Leicester Highway from the City limit line to the end of the City's zoning jurisdiction be included in this review. After discussion, the Planning and Zoning Commission moved to approve the rezoning of several lots along Leicester Highway.

By the use of a map, Mr. Emrick reviewed the location of the property to be rezoned. He said the property has been zoned Heavy Industrial since 1975 and there has been no movement toward the industrial field. He said the present property owners in the area which to rehabilitate or expand the existing structures which are at present nonconforming.

Mr. Howard Hanger spoke in support of the rezoning of the property to R-4 High Density Residential District.

Mayor Trantham closed the public hearing at 5:50 p. m.

Mr. Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilwoman Price moved for the adoption of Ordinance No. 1209. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1209 passed on first reading.

ORDINANCE NO. 1205 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, (Property located at 788 Fairview Road)

8. Consideration was given to the second reading of Ordinance No. 1205, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property at 788 Fairview Road from R-3 Medium Density Residential District to CG Commercial General District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1205 passed on second reading.

ORDINANCE NO. 1204 - AN ORDINANCE AMENDING SECTION 28-154 OF THE ASHEVILLE CODE OF ORDINANCES TO CLARIFY THE MOTOR VEHICLE REGISTRATION REQUIREMENT

9. Consideration was given to the third reading of Ordinance No. 1204, an ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the motor vehicle registration requirement.

Mayor Trantham said the ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1204 passed on third and final reading.

Complete text of Ordinance No. 1204 will be found in Ordinance Book No.

9 at page 199.

On a roll call vote of 6-1, Ordinance No. 1208 passed on first reading with Councilwoman Price voting "no."

RESOLUTION NO. 81-74 - RESOLUTION ADJUSTING RENTAL RATE STRUCTURE FOR THE ASHEVILLE CIVIC CENTER FACILITIES

6. Consideration was given to a resolution adjusting the rental rate structure for the Asheville Civic Center facilities.

The City Manager read the resolution.

Barry Ogrin, Director of the Civic Center, said there is a need to adjust the rental rate structure in view of the fact that current rates are lower than other rental rates presently being charged at similar size facilities. He said the Asheville Area Civic Center Commission, by Resolution 81-1 of the Commission, recommended to Council the adjustment of the rental rates.

Mr. Ogrin reviewed the detailed rate increases for the facility. He said it is the Asheville Area Civic Center Commission's goal to reach self-sufficiency by the mid 1980's. He said the building should stop subsidizing non-commercial activities in the complex.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-74 was unanimously adopted.

Complete text of Resolution No. 81-74 will be found in Resolution Book No. 12 at page 356.

PUBLIC HEARING - REZONING PROPERTY EAST OF ROBERTS STREET, SOUTH OF PATTON AVENUE, WEST OF PARK AVENUE AND NORTH OF CLINGMAN AVENUE - HI HEAVY INDUSTRIAL TO R-4 RESIDENTIAL DISTRICT

ORDINANCE NO. 1209 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to rezoning property east of Roberts Street, south of Patton Avenue, west of Park Avenue and north of Clingman Avenue, known as "Chicken Hill" from H-I, Heavy Industrial to R-4 Residential District.

Mayor Trantham opened the public hearing at 5:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at its March 4, 1981 meeting reviewed the request of Mr. Howard Hanger and other property owners that certain lots on Sheets 3 and 4 of Ward 4, be rezoned from H-I, Heavy Industrial District to R-4 High Density Residential District. After discussion, the Planning and Zoning Commission moved to approve a portion of the lots requested to be rezoned by Mr. Howard Hanger and other property owners.

Councilman Cole moved to approve the sign permit for American Log Homes, Inc. at 295 Haywood Street for wall lettering. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

13. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-76 - Resolution authorizing the Mayor to enter into an agreement with Southern Railway to widen the grade crossing on Twentieth Street.

HIGHLIGHTS: The City of Asheville wished to widen the grade crossing of Twentieth Street and Southern Railway to improve the convenience and safety of the crossing. The Southern Railway has provided an agreement to the City whereby the Southern Railway will widen the crossing and the City will pay Southern Railway for 50% of the cost associated with the widening. This resolution will authorize the Mayor to execute an agreement on behalf of the City for the purpose of widening Twentieth Street. The City's share will be 50%, or an amount not to exceed \$1,600.

Resolution Book No. 12 Page 358.

- B. Scheduling of a public hearing relative to closing all of Short Granada and Wellington Streets and portions of Cordova Street, Granada Street, Granada Circle, Parkway Drive, and Swannanoa Drive for May 7, 1981.

HIGHLIGHTS: A petition has been received from Builders Savings, Loan Company, Inc. to close several streets and roads identified on a plat known as "Sky Harbor" recorded in the Office of Register of Deeds for Buncombe County, North Carolina in November, 1946, in Plat Book 21 at page 43. The streets referred to have never been developed, used or maintained by the City of Asheville or by anyone. The petitioner is the owner of all property included within the boundaries of the area encompassing said streets except for several lots which the petitioner has an option to purchase. The petition states that the permanent closing of the streets would not be either detrimental to or contrary to the public interest or the property rights of any individual since no individual owning property in the vicinity of said

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

10. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund budget.

The City Manager presented the budget amendment in the amount of \$2,471,801. He said on October 9, 1980, City Council passed Resolution No. 80-189 authorizing submission of the amendment to the Sixth Year Community Development Block Grant Application to include Urban Renewal surplus funds in the amount of \$2,471,801. This budget amendment will appropriate the surplus funds into specific capital projects.

Councilman Cole moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 81-75 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE CITY HALL PARKING EXPANSION PROJECT AREA

11. Consideration was given to a resolution authorizing condemnation of property in the City Hall Parking Expansion Project area.

The City Manager read the resolution explaining that the City of Asheville has executed a contract with the Housing Authority of the City of Asheville which requires the Housing Authority to provide acquisition and relocation services to the City. The Housing Authority has caused all properties in the City Hall parking expansion project to be appraised by a competent real estate appraiser and has established maximum acquisition values for these properties in accordance with the appraisals received. The Housing Authority has been unable to reach agreements to purchase parcels P-2 and P-3 on Eagle Street at the approved values of the parcels. This resolution will authorize the condemnation of Parcels P-2 and P-3 on Eagle Street in order that the City of Asheville can carry out its approved plan for development.

Upon motion of Councilman Cole, seconded by Vice-Mayor Morris, Resolution No. 81-75 was unanimously adopted.

Complete text of Resolution No. 81-75 will be found in Resolution Book No. 12 at page 357.

APPROVAL OF SIGN PERMIT - AMERICAN LOG HOMES, INC. - 295 HAYWOOD STREET

12. Consideration was given to a sign permit for the American Log Homes, Inc., at 295 Haywood Street.

J. E. Johnson, Director of Inspections, said American Log Homes, Inc., has applied for a sign permit to erect wall lettering on their building at 295 Haywood Street. This property is zoned commercial regional. The sign meets all building and zoning requirements. The sign will be within 600 feet of a limited access highway requiring approval from Council pursuant to Zoning Ordinance No. 322. American Log Homes, Inc., received approval from Council on February 26, 1981, to erect a roof sign with 24" lettering.

Thursday - April 9, 1981 - 4:00 p.m.
Asheville Civic Center
Banquet Room

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, Walter R. Boland, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 2, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the April 2, 1981, meeting were approved as submitted.

ORDINANCE NO. 1208 - AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED.
(PROPERTY ALONG LEICESTER HIGHWAY)

2. Consideration was given to the second reading of Ordinance No. 1208, "AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (property along Leicester Highway)

Mayor Trantham said this ordinance was previously read on first reading and would not reread in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, requested that two amendments be made to Ordinance 1208. He said an error was made in the legal description of the ordinance in Section One (1) in sentence six. He suggested that the words "fork of Smithmill Creek" be deleted and in lieu thereof place the words "an unnamed tributary of McKinney Branch."

Vice-Mayor Morris moved to amend Ordinance 1208 by deleting the words "fork of Smithmill Creek" and place in lieu thereof the words "an unnamed tributary of McKinney Branch." This motion was seconded by Councilwoman Price and carried unanimously.

Mr. Emrick noted that the General Assembly recently adopted a special act amending the Asheville City Charter to provide that an ordinance be effective upon adoption rather than the effective date being fifteen days after adoption. He suggested that Ordinance 1208 be amended by amending Section 5 of Ordinance 1208 to read "That this ordinance shall be in full force and effect on the date of final passage."

streets would be the permanent closing of said streets be deprived of reasonable means of ingress or egress to his property. The closing of these streets is in connection with the development of the Sky Harbor Factory Outlet Mall to be located on State Street and Amboy Road.

(C) Approval of bids received March 26, 1981, for ductile iron pipe.

HIGHLIGHTS: Four bids were received. Recommendation of acceptance of the low bid submitted by Griffin Products Company in the amount of \$20,779.02. Funding for this bid is sufficient in the Water and Sewer Operations Appropriation - Inventory Account Code 30-140.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

COMMENDATION FOR THE ASHEVILLE POLICE DEPARTMENT - COUNCILMAN BOLAND

Councilman Boland commended the Asheville Police Department due to the fact that violent crime rates have decreased by 36% over last year. He said he felt this was a very good record since violent crime rates in other cities is on the rise.

COUNCILMAN BROWNLEE - INQUIRY RELATIVE TO PENSION SUBSIDIES

Councilman Brownlee said he had received inquiries from retired police officers and their beneficiaries stating that they have not received their pension subsidies as promised by the Asheville City Council.

The City Manager said he would investigate the inquiries and report back to Council.

CLAIMS - JULIUS C. BUCHANAN - FIRST UNION NATIONAL BANK - WAYNE RICE - LOUISE BELL HUDGENS

The City Manager presented claims received from Julius C. Buchanan, First Union National Bank, Wayne Rice, and Louise Bell Hudgens.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - APRIL 6 - 10 - "UP WITH PEOPLE"

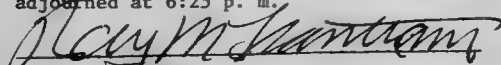
Mayor Trantham proclaimed the week of April 6 - 10, as "Up With People" Week. He said "Up With People" would be giving a performance in the Asheville Civic Center on April 9, 1981 at 8:00 p. m.

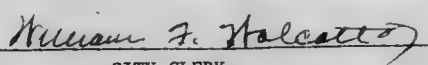
PROCLAMATION - APRIL 3 - 11 - "HEALTH FAIR WEEK"

Mayor Trantham proclaimed the week of April 3 - 11, 1981 as "Health Fair Week."

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 6:25 p. m.


MAYOR


CITY CLERK

Area I - Map 1

Existing City Limits
 Proposed Annexation Boundary
 Existing Land Use

Area I - Map 2

Existing City Limits
 Proposed Annexation Boundary
 Existing and Proposed Water Lines

Area I - Map 3

Existing City Limits
 Proposed Annexation Boundary
 Existing and Proposed Sewer Lines

Statement of Statutory Standards

The territory to be annexed meets the statutory standards of General Statute 160A-48, which defines the character of the area to be annexed, in that:

- (1) The area is contiguous as defined by General Statute 160A-53, as of the 3rd day of March, 1981, as shown on the map included herein marked Map I-1.
- (2) The aggregate external boundary line of the area to be annexed is approximately 20,300 feet, of which approximately 3,405 feet, or 16.7%, coincides with the Asheville City boundary, as shown on the map included herein marked Area I-Map 1. Therefore, at least one-eighth of said external boundary coincides with the Asheville City boundary.
- (3) No part of the area to be annexed is included within the boundary of another incorporated municipality (see Area I-Map 1).
- (4) The area to be annexed is developed for urban purposes as defined in General Statute 160A-48 (c) (1), in that the area contains a total population equal to 2.4 persons per acre demonstrated as follows: The number of dwelling units (254), multiplied by the number of persons per dwelling unit in the area according to the latest federal decennial census (2.60), equals the total estimated resident population (660), which divided by the total number of acres (269.5), equals 2.4 persons per acre.

Plan For Extension and Financing
of Municipal Service**Bingham Road Area**General Statement

All services will be made available to persons living within the annexed area on the same basis and in the same manner as presently provided to persons

Councilman Boland moved to amend Ordinance 1208 by amending Section 5 of Ordinance 1208 to read "That this ordinance shall be in full force and effect on the date of final passage." This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1208 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third reading of Ordinance No. 1208. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1208 passed on third and final reading.

Complete text of Ordinance No. 1208 will be found in Ordinance Book No. 9 at page 207.

RESOLUTION NO. 81-78 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE BINGHAM ROAD AREA

3. Consideration was given to a resolution adopting the plan for extension of City services into the area proposed for annexation generally described as the Bingham Road area.

Verl Emrick read the resolution.

Verl Emrick then presented the annexation plan for the Bingham Road area which is as follows:

AREA I - BINGHAM ROAD

General Description

The Bingham Road area, which is proposed for annexation, lies generally east of Bingham Road and west of the French Broad River between the Hilton Golf Course and Richmond Hills. This section of ~~Emma~~ is composed primarily of industrial development, with textile and electrical component manufacturing being the major industries. The largest industries in this area are: Square D Company, Quorum Dyeing & Finishing Company, Vanderbilt Shirt Company and J. H. Manufacturing. Residential development in the area is composed of the 160 unit Bingham Heights Apartment Complex and single family homes located in the north and south sections of the proposed area. A map and boundary description is included in the following pages.

Statement of Accompanying Maps

The maps of Asheville and adjacent territory showing the following information are in the office of the Planning Department on the fifth floor of the City Hall Building, Asheville, North Carolina.

Special collections of loose leaves and tree and shrubbery trimmings placed at curbside will be made periodically, when placed for collection in accordance with the sanitation code of the city.

Commercial establishments will be provided the same level of service as those establishments in the city. Establishments with a volume of refuse which exceeds six (6) approved containers will be responsible for making arrangements with a private refuse collector for service. Funding for these services will be provided in the annual budget process.

Code Enforcement

Upon annexation the area will be subject to the city building, housing, electrical and plumbing codes. The area will also be subject to the city zoning, erosion control and subdivision regulations and all other requirements of the city codes and ordinances in effect in the city at the time of annexation. The enforcement of these codes, ordinances, and regulations will be at the same level as in the city. Funding for these services will be provided in the annual budget process.

Inspections

Residents and property owners may request that inspections of their homes or businesses be made and such requests will be scheduled according to the policies of the city. Deficiencies in structures as defined in the city code will be recorded and supplied to the property owner for corrections. Normal or non-requested inspections will be on a schedule consistent with current policies of the city. Funding for these services will be provided in the annual budget process.

Streets

Street improvements and maintenance will be provided to the approximately 2.89 miles of public streets added to the City's Street System on the same level as provided to all City streets. These activities include scraping and stoning of unpaved public streets, street cleaning, pothole repairs on public paved streets, snow and ice control, trimming on public rights-of-way, shoulder cut and fill maintenance on public rights-of-way, maintenance of sidewalks which are on public rights-of-way, and maintenance of street drainage structures which are on public rights-of-way. Needed street improvements will be recorded and prioritized and performed on the same level as existing City streets. All improvements will be scheduled according to priority and funds available for improvements. Funding for these services will be provided in the annual budget process.

Street Lighting Street Markers

The installation of needed street lighting and street markers will be made on a prioritized basis in accordance with the street lighting and street marking policies in effect in the City. Funds estimated for street lighting

residing in the city limits. The city council will designate funds to cover necessary expenses on or before the effective date of annexation through the city's budgetary process. The city, from time-to-time, makes changes to its budget and service delivery policy. Areas which are annexed are subject to these changes as they are adopted by city council and applied citywide. In addition, the amount of funds to be annually appropriated for services to this area, and all areas of the city, shall be made in conformance with the Local Government Budget and Fiscal Control Act, as amended.

Administrative Services

Services provided by the city's council, manager, and administrative departments will be made available to persons residing in the area proposed to be annexed on the effective date of annexation. Funds for these services are provided for by city council through the city's annual budget process.

Police Services

On and after the effective date of annexation, police services will be provided to the area on the same basis and in the same manner as provided within the rest of the City. Such services will be provided with an additional vehicle and five additional officers to patrol the Western zone. Also, four additional officers and one additional vehicle will be assigned to the City's Criminal Investigation Bureau, Juvenile Services, Crime Prevention/Community Relations and Patrol so as to provide the total scope of police services to all areas proposed for annexation. Costs for the additional services to this area will be approximately \$64,000. Funding for these services will be provided in the annual budget process.

Fire Protection

The Bingham Road area will be provided fire protection on and after the effective date of annexation on the same basis and manner as provided within the rest of the city. Such protection will be provided by pumper and ladder truck response from City Station #3, located at the corner of Oregon and Louisiana Avenue, backed up by response from City Station #6 on Haywood Road. An additional ladder company at station #3 will be manned at an estimated annual cost of \$200,000 and the city's fire prevention function will be upgraded at a total estimated annual cost of \$22,000. Funding for these services will be provided in the annual budget process.

Sanitation

The proposed annexation area will receive the same level of sanitation services as is provided to residents of the city. Residential refuse will be collected on a regular basis at curbside; this is currently a weekly service. Each resident will be allowed up to six (6) approved containers per pick up. Special "set out" service to curbside for elderly and handicapped individuals may be approved by the Public Works Department if requested by the resident. An additional garbage packer truck will be added to the City's fleet to provide collection service.

Water & Sewer: The required upgrading of water and sewer system improvements is anticipated to cost \$159,525. Capital costs and maintenance is expected to be funded from the Water and Sewer Operating Fund.

Basis of Revenue Estimates

Ad valorem tax estimates are based on 1980 real and personal listings in the annexation area assuming a 5% annual growth rate, a 95% collection rate and the current City tax rate of 97¢/\$100 valuation. Other revenues include estimates of Motor Vehicle Stickers, Privilege Licenses, Powell Bill, Beer and Wine Tax, Local Utility Tax, Local Option Sales Tax, Intangible Tax and State Utility Franchise Tax.

- ¹ includes $\frac{1}{2}$ the estimated cost of a patrol squad to serve both areas I and IV.
- ² includes $\frac{1}{2}$ of the estimated cost of upgrading a fire station to serve both areas I and IV.
- ³ includes street lighting, street signing, building inspections and transit service.

Legal Description of Area 1

BEGINNING at a point, said point being the intersection of the southern right-of-way margin of Thomas Drive and the existing City limit boundary of the City of Asheville as shown on Sheet 17, Ward 3, of the Tax Map as recorded in the Buncombe County Tax Supervisor's Office, said point also being the intersection of the southern right-of-way margin of Thomas Drive and the eastern right-of-way margin of Vinewood Circle (SR 1350); thence in an easterly direction following the existing Asheville City Limit boundary a distance of approximately 2,746.5 feet to the western bank of the French Broad River; thence in a southerly direction, following the western bank of said river, a distance of approximately 5,820 feet to the intersection of said river bank and the existing City Limit boundary, as shown on Sheet 6, Hazel Ward of the Tax Map as recorded in the Buncombe County Tax Supervisor's Office; thence in a southwesterly and northerly direction, following said City Limit boundary a distance of approximately 3,404.49 feet to a point; thence in a northerly direction following a straight line across Southern Railroad a distance of approximately 179 feet to a point, said point being the south-western corner of Lot 16, Sheet 6, Hazel Ward as recorded in the Buncombe County Tax Supervisor's Office as of July 7, 1980; thence in a northwesterly direction following the western margin of said Lot 16, a distance of approximately 296 feet to the northwest corner of said Lot 16; thence in a north-easterly direction following a straight line across Emma Road (SR 1329) a distance of approximately 65 feet to a point, said point being 10 feet west of the western right-of-way margin of Bingham Road (SR 1350) at the intersection of Bingham Road and Emma Road; thence in a northwesterly direction following a line 10 feet west of the western right-of-way margin of Bingham Road and running parallel with said right-of-way margin, a distance of approximately 4,507.16 feet to a point, said point being located in the southeastern property line of Lot 157, Sheet 26, Hazel Ward, as recorded in the Buncombe County

is based on the installation of street lights approximately every 250 feet. Funding for these services will be provided in the annual budget process.

Traffic Control

Traffic control equipment, signs, and markings and other related traffic control devices will be installed on those streets to be included in the city's system in accordance with existing city policies and procedures. Upon installation these devices will be maintained by the city. Such devices will be funded through the annual budget process.

Water and Sewer Services

An analysis of the existing water and sewer lines in Area I indicates a need for an additional 600 linear feet of water line and 3,300 linear feet of sewer line to adequately serve the area. Six inch water lines will be installed along portions of the following streets as shown on Area I-Map 2.

Boone Street
Private Road (Moss Mobile Home Park)

Eight inch sewer lines will be installed along portions of the following streets as shown on the accompanying Area I-Map 3.

Emma Road
Private Road (Moss Mobile Home Park)
Boone Street

The total costs for the improvements will be \$159,525 which will be funded from the Water and Sewer Operating Fund.

AREA I - BINGHAM ROAD
FINANCIAL SUMMARY

Annual Estimated Revenues:

Ad Valorem Tax	\$214,000
Other Taxes and Associated Revenues	80,000
Total	<u>\$294,000</u>

First year cost of service:

<u>General</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
Streets	\$ 13,910	\$23,540	\$ 37,450
Sanitation	13,560	24,200	37,760
Police	57,295	6,625	63,920
Fire Protection ²	95,319	11,006	106,325
Other ³	12,137	1,284	13,421
Total	<u>\$192,221</u>	<u>\$66,655</u>	<u>\$258,876</u>

Verl Earick read the resolution.

Verl Earick then presented the annexation plan for the Chunns Cove Area which is as follows:

AREA II - CHUNNS COVE

General Description

The Chunns Cove Road area, which is proposed for annexation, lies generally north of the Mountain Brook subdivision and south of a private road. The area is east of Chunns Cove Road and west of the topographical contour of 2,350 feet above sea level.

Development within this 24.3 acre area is entirely residential with the 128 unit Ridge Townhouse Apartment complex comprising most of the area. An additional six housing structures are located south of the apartment complex.

Statement of Accompanying Maps

The maps of Asheville and adjacent territory showing the following information are in the office of the Planning Department on the fifth floor of the City Hall Building, Asheville, North Carolina.

Area II - Map 1

- Existing City Limits
- Proposed Annexation Boundary
- Existing Land Use

Area II - Map 2

- Existing City Limits
- Proposed Annexation Boundary
- Existing and Proposed Water Lines

Area II - Map 3

- Existing City Limits
- Proposed Annexation Boundary
- Existing and Proposed Sewer Lines

Statement of Statutory Standards

The territory to be annexed meets the statutory standards of General Statute 160A-48, which defines the character of the area to be annexed, in that:

Tax Supervisor's Office as of July 7, 1980; thence in a northeasterly direction in a straight line, crossing Bingham Road, a distance of approximately 50 feet to a point, said point being 10 feet north of the northern right-of-way margin of Pearson Bridge Road (SR 1348), and located in the western property line of Lot 6, Sheet 26, Hazel Ward, as recorded in the Buncombe County Tax Supervisor's Office as of July 7, 1980; thence in a northeasterly and easterly direction following a line 10 feet north of the northern right-of-way margin of Pearson Bridge Road (SR 1348) and running parallel with said right-of-way margin a distance of approximately 840.6 feet to a point, said point being 10 feet west of the western right-of-way margin of Vinewood Circle (SR 1350); thence in a northerly direction following a line 10 feet west of the western right-of-way margin of Vinewood Circle, a distance of approximately 1,190 feet to a point in the southern property line of Lot 22, Sheet 26, Hazel Ward, as recorded in the Buncombe County Tax Supervisor's Office as of July 7, 1980, said point also being ten feet west of the western right-of-way margin of Vinewood Circle; thence in a northeasterly direction crossing Vinewood Circle, a distance of approximately 40 feet to a point in the eastern right-of-way margin of Vinewood Circle, said point being also ten feet north of the northern right-of-way margin of Eastover Road (SR 1351); thence in a southeasterly direction following a line 10 feet north of the northern right-of-way margin of Eastover Road and running parallel with said right-of-way margin, and crossing Kenwood Street (SR 1352), a distance of approximately 645 feet to a point, said point being ten feet north of the northern right-of-way margin of Eastover Road and also being ten feet west of the western right-of-way margin of Vinewood Circle; thence in a northeasterly direction following a line 10 feet west of the western right-of-way margin of Vinewood Circle and running parallel with said right-of-way margin, a distance of approximately 593 feet to a point in the southern property line of Lot 27½, Sheet 2, Hazel Ward, as recorded in the Buncombe County Tax Supervisor's Office as of July 7, 1980; thence in an easterly direction crossing Vinewood Circle, a distance of approximately 110 feet to the point of BEGINNING.

Upon inquiry of Councilwoman Price, Attorney Herbert Hyde, representing the City relative to legal matters dealing with the proposed annexation, said the City could at a later date extend the extra territorial zoning jurisdiction one mile beyond the proposed annexation area after the annexation ordinance is adopted. He said the court system gives the municipalities time to make a decision relative to their extra territorial zoning jurisdiction powers.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-78 was unanimously adopted.

Complete text of Resolution No. 81-78 will be found in Resolution Book No. 12 at page 361.

Ralph Bishop spoke in opposition to the proposed annexation.

RESOLUTION NO. 81-79 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE CHUNNS COVE AREA

4. Consideration was given to a resolution adopting and approving the plan for extension of City services into the area proposed for annexation generally described as the Chunns Cove area.

of the city. Patrol will be provided with existing manpower and equipment and additional operating costs will be provided through the city's budget process. An additional four officers and one vehicle assigned to special police functions, such as, juvenile, crime prevention and criminal investigation will also serve this area. Funding for these services will be provided in the annual budget process.

Fire Protection

The Chunn's Cove area will be provided fire protection on and after the effective date of annexation on the same basis and manner as provided within the rest of the city. Such protection will be provided by pumper and ladder truck response from city station #1, located downtown, backed up by response from city station #8, located on Tunnel Road. In addition, an extra fire inspector and vehicle will be assigned to the Department. Funding for these services will be provided in the annual budget process.

Sanitation

The proposed annexation area will receive the same level of sanitation services as is provided to residents of the city. Residential refuse will be collected on a regular basis at curbside; this is currently a weekly service. Each resident will be allowed up to six (6) approved containers per pick up. Special "set out" service to curbside for elderly and handicapped individuals may be approved by the Public Works Department if requested by the resident. An additional garbage packer truck will be added to the City's fleet to provide collection service.

Special collections of loose leaves and tree and shrubbery trimmings placed at curbside will be made periodically, when placed for collection in accordance with the sanitation code of the city.

Commercial establishments will be provided the same level of service as those establishments in the city. Establishments with a volume of refuse which exceeds six (6) approved containers will be responsible for making arrangements with a private refuse collector for service. Funding for these services will be provided in the annual budget process.

Code Enforcement

Upon annexation the area will be subject to the city building, housing, electrical and plumbing codes. The area will also be subject to the city zoning, erosion control and subdivision regulations and all other requirements of the city codes and ordinances in effect in the city at the time of annexation. The enforcement of these codes, ordinances, and regulations will be at the same level as in the city. Funding for these services will be provided in the annual budget process.

Inspections

Residents and property owners may request that inspections of their homes or businesses be made and such requests will be scheduled according to the

- (1) The area is contiguous as defined by General Statute 160A-53, as of the 3rd day of March, 1981, as shown on the map included herein marked Area II-Map 1.
- (2) The aggregate external boundary line of the area to be annexed is approximately 20,724 feet, of which approximately 7,500 feet, or 36.1%, coincides with the Asheville City boundary, as shown on the map included herein marked Area II-Map 1. Therefore, at least one-eighth of said external boundary coincides with the Asheville City boundary.
- (3) No part of the area to be annexed is included within the boundary of another incorporated municipality (see Area II-Map 1).
- (4) The area to be annexed is developed for urban purposes as defined in General Statute 160A-48 (c) (1), in that the area contains a total population equal to 13.2 persons per acre; utilizing the existing housing count of 135 units and the latest federal decennial census count of 2.39 persons per dwelling unit, when multiplied equal 322 persons. The total persons divided by the number of acres (24.3) equals 13.2 persons per acre.

Plan For Extension and Financing of Municipal Service

Chunns Cove

General Statement

All services will be made available to persons living within the annexed area on the same basis and in the same manner as presently provided to persons residing in the city limits. The city council will designate funds to cover necessary expenses on or before the effective date of annexation through the city's budgetary process. The city, from time-to-time, makes changes to its budget and service delivery policy. Areas which are annexed are subject to these changes as they are adopted by city council and applied citywide. In addition, the amount of funds to be annually appropriated for services to this area, and all areas of the city, shall be made in conformance with the Local Government Budget and Fiscal Control Act, as amended.

Administrative Services

Services provided by the city's council, manager, and administrative departments will be made available to persons residing in the area proposed to be annexed on the effective date of annexation. Funds for these services are provided for by city council through the city's annual budget process.

Police Services

On and after the effective date of annexation, police services will be provided to the area on the same basis and manner as provided within the rest

AREA II - CHUNNS COVE
FINANCIAL SUMMARY

Annual Estimated Revenues:

Ad Valorem Tax	\$18,000
Other Taxes and Associated Revenues	<u>21,000</u>
Total	<u>\$39,000</u>

First year cost of service:

<u>General</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
Streets	\$1,070	\$321	\$1,391
Sanitation	528	0	528
Police ¹	16,370	1,875	18,245
Fire Protection ²	4,082	1,736	5,818
Other ³	536	300	836
Total	<u>\$22,586</u>	<u>\$4,232</u>	<u>\$26,818</u>

Water & Sewer: Costs for maintenance of public water and sewer lines are estimated at \$125,924 and shall be financed through the Water and Sewer Operating Fund.

Basis of Revenue Estimates

Ad valorem tax estimates are based on 1980 real and personal listings in the annexation area assuming a 5% annual growth rate, a 95% collection rate and the current City tax rate, of 97¢/\$100 valuation. Other revenues include estimates of Motor Vehicle Stickers, Privilege Licenses, Powell Bill, Beer and Wine Tax, Local Utility Tax, Local Option Sales Tax, Intangible Tax and State Utility Franchise Tax.

¹ includes partial cost of special services squad for juvenile, detective and crime prevention function.

² includes partial cost of one fire inspector and vehicle.

³ includes street lighting, street signing, building inspections and transit service.

policies of the city. Deficiencies in structures as defined in the city code will be recorded and supplied to the property owner for corrections. Normal or non-requested inspections will be on a schedule consistent with current policies of the city. Funding for these services will be provided in the annual budget process.

Streets

Street improvements and maintenance will be provided to the approximately .21 miles of public streets added to the City's Street System on the same level as provided to all City streets. These activities include scraping and stoning of unpaved public streets, street cleaning, pothole repairs on public paved streets, snow and ice control, trimming on public rights-of-way, shoulder cut and fill maintenance on public rights-of-way, maintenance of sidewalks which are on public rights-of-way, and maintenance of street drainage structures which are on public rights-of-way. Needed street improvements will be recorded and prioritized and performed on the same level as existing City streets. All improvements will be scheduled according to priority and funds available for improvements. Funding for these services will be provided in the annual budget process.

Street Lighting Street Markers

The installation of needed street lighting and street markers will be made on a prioritized basis in accordance with the street lighting and street marking policies in effect in the City. Funds estimated for street lighting is based on the installation of street lights approximately every 250 feet. Funding for these services will be provided in the annual budget process.

Traffic Control

Traffic control equipment, signs, and markings and other related traffic control devices will be installed on those streets to be included in the city's system in accordance with existing city policies and procedures. Upon installation these devices will be maintained by the city. Such devices will be funded through the annual budget process.

Water and Sewer Services

An analysis of existing water and sewer lines in Area II indicates a need for an additional 520 linear feet of water line and 1,020 linear feet of sewer line to adequately serve the area. A six inch water line will be installed along a private road and eight inch sewer lines will also be installed along the same private road and Chunns Cove Road. Maps showing the locations of the proposed water and sewer lines are included herein and identified as: Area II-Map 2 and Area II-Map 3.

The total cost for the improvements will be \$125,924 which will be funded from the Water and Sewer Operating Fund.

Verl Emrick read the resolution.

Verl Emrick presented the annexation plan for the Sweeten Creek Road area which is as follows:

AREA III - SWEETEN CREEK ROAD

General Description

The Sweeten Creek Road area, which is proposed for annexation, could be described as an elongated configuration of 1,068 acres. The area generally lies east of the southern city limits and Hendersonville Road and west of Sweeten Creek Road, although some property west of Hendersonville Road and east of Sweeten Creek Road is included. The southern most boundary is Dingle Creek, which runs south of Mills Gap Road. A map and boundary description is included in the following pages.

Development within this area varies from residential single family concentration in the Rock Hill Road area, to industrial development along Gerber Road in the south and an industrial park to the north. Commercial development is located along Sweeten Creek Road in the north section and along Hendersonville Road in the southern section of the proposed area.

Major industries located in the proposed area are: Gerber Products Company, Ball Corporation and N C I, Incorporated. There are three large shopping centers in the proposed area: Skyland Plaza, Turtle Creek Shopping Center, and Arden Plaza. The Turtle Creek Apartment complex, Crowfield Condominiums, and the Ballantree Subdivision comprise the major concentrations of residential development.

Statement of Accompanying Maps

The maps of Asheville and adjacent territory showing the following information are in the office of the Planning Department on the fifth floor of the City Hall Building, Asheville, North Carolina.

Area III - Map 1

- Existing City Limits
- Proposed Annexation Boundary
- Existing Land Use

Area III - Map 2

- Existing City Limits
- Proposed Annexation Boundary
- Existing and Proposed Water Lines

Area III - Map 3

- Existing City Limits
- Proposed Annexation Boundary
- Existing and Proposed Sewer Lines

Legal Description of Area II

BEGINNING at a point, said point being 10 feet west of the intersection of the western right-of-way margin of Chunns Cove Road (SR 2042) and the existing City Limit boundary of the City of Asheville as shown on Sheet 26, Ward 8 of the Tax Map as recorded in the Buncombe County Tax Supervisor's office, said point also lying on the existing Asheville City Limit line; thence in a northerly direction following a line 10 feet west of the western right-of-way margin of Chunns Cove Road and running parallel to said right-of-way margin, a distance of approximately 1,514 feet to a point; thence crossing Chunns Cove Road in a northeasterly direction following a straight line a distance of approximately 60 feet to a point 10 feet north of the northern right-of-way margin of a private road; thence in a westerly and southwesterly direction following a line 10 feet north of the northern right-of-way margin of said private road, a distance of approximately 2,800 feet to the intersection of said private road right-of-way with the contour line identifying an elevation of 2,350 feet as depicted on a topographic Map No. 36-32 of Buncombe County, compiled by Fairchild Aerial Survey, Inc., and updated by Piedmont Aerial Survey, Inc.; thence in a southerly direction following said contour line a distance of approximately 8,850 feet to the existing City Limit boundary; thence in a westerly direction following said City Limit line, a distance of approximately 7,500 feet to the point of BEGINNING.

Councilwoman Price noted that the residents on the private streets could dedicate the streets to the City, but the City did not have any obligation to accept the streets. This notation was agreed to by Attorney Herbert Hyde.

Mr. Ralph Bishop asked what would happen if the City did not carry through with their plans as presented.

Mr. Emrick informed Mr. Bishop that if the plans are not carried out as specified by the City, the residents of the area could take the City into the court system to seek relief and the City would have to carry through with the plans.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-79 was unanimously adopted.

Complete text of Resolution No. 81-79 will be found in Resolution Book No. 12 at page 362.

RESOLUTION NO. 81-80 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE SWEETEN CREEK ROAD AREA

5. Consideration was given to a resolution adopting and approving the plan for extension of City services into the area proposed for annexation generally described as the Sweeten Creek Road area.

Plan For Extension and Financing of Municipal Service

Sweeten Creek Road

General Statement

All services will be made available to persons living within the annexed area on the same basis and in the same manner as presently provided to persons residing in the city limits. The city council will designate funds to cover necessary expenses on or before the effective date of annexation through the city's budgetary process. The city, from time-to-time, makes changes to its budget and service delivery policy. Areas which are annexed are subject to these changes as they are adopted by city council and applied citywide. In addition, the amount of funds to be annually appropriated for services to this area, and all areas of the city, shall be made in conformance with the Local Government Budget and Fiscal Control Act, as amended.

Administrative Services

Services provided by the city's council, manager, and administrative departments will be made available to persons residing in the area proposed to be annexed on the effective date of annexation. Funds for these services are provided for by city council through the city's annual budget process.

Police Services

On and after the effective date of annexation, police services will be provided to the area on the same basis and in the same manner as provided within the rest of the City. Such services will be provided with an additional vehicle and five additional officers to patrol the Southern zone. Also, four additional officers and one additional vehicle will be assigned to the City's Criminal Investigation Bureau, Juvenile Services, Crime Prevention/Community Relations and Patrol so as to provide the total scope of police services to all areas proposed for annexation. Costs for the additional services to this area will be approximately \$109,000. Funds for these services will be provided through the City's annual budget process.

Fire Protection

The Sweeten Creek Road area will be provided fire protection on the effective date of annexation. Such protection shall be provided by first response from city station #5, located on Hendersonville Road with back-up from station #9, on Fairview Road or station #8, on Tunnel Road, depending upon the situation. An additional pumper will be provided and manned at station #5. This will require capital outlay of approximately \$136,000 and additional operating costs of \$182,000. The city's fire prevention function will be upgraded at an additional cost of \$22,000. Funding for these services will be provided through the city's annual operating budget.

Statement of Statutory Standards

The territory to be annexed meets the statutory standards of General Statute 160A-48, which defines the character of the area to be annexed, in that:

- (1) The area is contiguous as defined by General Statute 160A-53 as of the 3rd day of March, 1981, the date upon which this annexation proceeding was begun, and as shown on the map included herein marked Area III-Map 1.
- (2) The aggregate external boundary line of the area to be annexed is approximately 66,000 feet, of which 13,500 feet, or 20.4%, coincides with the Asheville City boundary, as shown on the map included herein marked Area III-Map 1. Therefore, at least one-eighth of said external boundary coincides with the Asheville City boundary.
- (3) No part of the area to be annexed is included within the boundary of another incorporated municipality (see Area III-Map 1).
- (4) The area to be annexed is developed for urban purposes as defined in General Statute 160A-48 (c) (1), in that the area contains a total population equal to 2.19 persons per acre. This was computed in the following manner: The number of housing units included in Census Tract 21 in the area to be annexed (418) was multiplied times the dwelling unit factor for that Census Tract (2.55). This equaled a resident population of 1,066. The other portion of Area III, proposed for annexation is included within the Limestone Township which contains 540 dwelling units. Multiplied times the factor for this township of 2.37, the resident population of 1,279 was computed. The two population totals were added together producing a total resident population for Area III (2,345). This figure divided by the land area (1,068 acres) equals 2.19 persons per acre. The dwelling unit factors are according to the latest federal decennial census.

The area also qualifies as urban under General Statute 160A-48 (c) (3), in that 526 of the total 631 lots and tracts in the area are used for residential, commercial, industrial, institutional, or government purposes or 83.3%; and is subdivided into lots and tracts such that 68.6% of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size. The total acres of land in this area not used for commercial, industrial, governmental or institutional purposes is 600.4 acres of which 412.2 acres is divided into lots and tracts of five acres or less.

drainage structures which are on public rights-of-way. Needed street improvements will be recorded and prioritized and performed on the same level as existing City streets. All improvements will be scheduled according to priority and funds available for improvements. Funding for these services will be provided in the annual budget process.

Street Lighting Street Markers

The installation of needed street lighting and street markers will be made on a prioritized basis in accordance with the street lighting and street marking policies in effect in the City. Funds estimated for street lighting is based on the installation of street lights approximately every 250 feet. Funding for these services will be provided in the annual budget process.

Traffic Control

Traffic control equipment, signs, and markings and other related traffic control devices will be installed on those streets to be included in the city's system in accordance with existing city policies and procedures. Upon installation these devices will be maintained by the city. Such devices will be funded through the annual budget process.

Water and Sewer Services

An analysis of the existing water and sewer lines in Area III indicates a need for an additional 6,300 linear feet of water line and 5,400 linear feet of sewer line to adequately serve the area. Six inch water lines will be installed along portions of the following streets as shown on Area III-Map 2.

- West Chapel Road
- Edgewood Road
- Bellevue Road
- Busbee View Road
- Stockwood Extension
- Peachtree Road
- Several Private Roads

Eight inch sewer lines will be installed along portions of the following streets as shown on Area III-Map 3.

- Sweeten Creek Road
- Busbee View Road
- Peachtree Road
- Several Private Roads

The total costs for the improvements will be \$419,551 which will be funded from the Water and Sewer Operating Fund.

Sanitation

The proposed annexation area will receive the same level of Sanitation services as is provided to residents of the city. Residential refuse will be collected on a regular basis at curbside; this is currently a weekly service. Each resident will be allowed up to six (6) approved containers per pick up. Special "set out" service to curbside for elderly and handicapped individuals may be approved by the Public Works Department if requested by the resident. An additional garbage packer truck will be added to the City's fleet to provide collection service.

Special collections of loose leaves and tree and shrubbery trimmings placed at curbside will be made periodically, when placed for collection in accordance with the sanitation code of the city.

Commercial establishments will be provided the same level of service as those establishments in the city. Establishments with a volume of refuse which exceeds six (6) approved containers will be responsible for making arrangements with a private refuse collector for service. Funding for these services will be provided in the annual budget process.

Code Enforcement

Upon annexation the area will be subject to the city building, housing, electrical and plumbing codes. The area will also be subject to the city zoning, erosion control and subdivision regulations and all other requirements of the city codes and ordinances in effect in the city at the time of annexation. The enforcement of these codes, ordinances, and regulations will be at the same level as in the city. Funding for these services will be provided in the annual budget process.

Inspections

Residents and property owners may request that inspections of their homes or businesses be made and such requests will be scheduled according to the policies of the city. Deficiencies in structures as defined in the city code will be recorded and supplied to the property owner for corrections. Normal or non-requested inspections will be on a schedule consistent with current policies of the city. Funding for these services will be provided in the annual budget process.

Streets

Street improvements and maintenance will be provided to the approximately 11.60 miles of public streets added to the City's Street System on the same level as provided to all City streets. These activities include scraping and stoning of unpaved public streets, street cleaning, pothole repairs on public paved streets, snow and ice control, trimming on public rights-of-way, shoulder cut and fill maintenance on public rights-of-way, maintenance of sidewalks which are on public rights-of-way, and maintenance of street

Legal Description of Area III

BEGINNING at the intersection of Sweeten Creek and the northern right-of-way margin of Southern Railroad, said point being also the intersection of Sweeten Creek and the existing City Limit boundary of the City of Asheville; thence in a southeasterly direction following Sweeten Creek, a distance of approximately 500 feet to the point at which an unnamed tributary joins Sweeten Creek from the east; thence following said unnamed tributary in a southeasterly direction, crossing West Chapel Road, a distance of approximately 2,740 feet to a point, said point being 10 feet south of the southern right-of-way margin of West Chapel Road (SR 3075); thence in a northwesterly direction following a line 10 feet south of the southern right-of-way margin of West Chapel Road and running parallel with said right-of-way margin a distance of approximately 2,685 feet to a point 10 feet east of the eastern right-of-way margin of Rock Hill Road (SR 3081), said point also being 10 feet east of the intersection of West Chapel Road and Rock Hill Road; thence in a southerly direction following a line 10 feet east of the eastern right-of-way margin and running parallel with said right-of-way margin, a distance of approximately 1,475 feet to a point 10 feet east of the intersection of Graham Lane (a private road) and Rock Hill Road; then in a southerly direction following a line 10 feet east of the east right-of-way margin of Graham Lane and running parallel with said right-of-way margin a distance of approximately 894 feet to a point 10 feet north of the northwest corner of Lot 330, Sheet 23, Biltmore Ward; thence in a southerly direction following a straight line a distance of 10 feet to the northwest corner of said Lot 330; thence in an easterly direction following the northern property line of said Lot 330, a distance of approximately 237 feet to the northeast corner of said Lot 330, Sheet 23, Biltmore Ward; thence in a southerly direction following the eastern property lines of Lots 330, 188, 189, and 189½, Sheet 23, Biltmore Ward, a distance of approximately 857 feet to the southeastern corner of Lot 189½, Sheet 23, Biltmore Ward; thence in a southerly direction crossing a private road, a distance of approximately 30 feet to a point in the northern property line of Lot 14, Sheet 32, Biltmore Ward; thence in a westerly direction following the northern property line of Lot 14, Sheet 32, Biltmore Ward, a distance of approximately 150 feet to the eastern margin of a private road; thence following a line 10 feet east of the eastern margin of said private road and running parallel with said right-of-way margin, a distance of approximately 1,100 feet to the northern right-of-way margin of a private road; thence in a southerly direction crossing said private road, a distance of approximately 25 feet to the northwest corner of Lot 99, Sheet 32, Biltmore Ward; thence in an easterly direction following the northern property lines of Lots 99, 100, 101, 102, 103 and 22½, Sheet 32, Biltmore Ward, a distance of approximately 775 feet to the northeastern corner of Lot 22½, thence in a southerly direction, following the eastern property line of Lots 22½, 22½, and 35, Sheet 32, Biltmore Ward, a distance of approximately 772 feet to the intersection of said line with an unnamed tributary of Sweeten Creek; thence in a westerly direction following said unnamed tributary, a distance of approximately 1,920 feet to a point, said point being 10 feet east of the eastern right-of-way margin of Sweeten Creek Road (U. S. 25A); thence in a southerly direction following a line 10 feet east of the eastern right-of-way margin of Sweeten Creek Road and running parallel with said right-of-way margin, a distance of approximately 1,360 feet to the intersection of said

AREA III - SWEETEN CREEK ROAD
FINANCIAL SUMMARY

Annual Estimated Revenues:

Ad Valorem Tax	\$642,000
Other Taxes and Associated Revenues	<u>267,000</u>
Total	<u>\$909,000</u>

First year cost of service:

<u>General</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
Streets	\$ 47,080	\$ 69,550	\$116,630
Sanitation	56,757	24,100	80,857
Police	98,220	11,375	109,595
Fire Protection	186,556	137,356	323,912
Other ¹	97,613	3,595	101,208
Total	<u>\$486,226</u>	<u>\$245,976</u>	<u>\$732,202</u>

Water & Sewer: The required upgrading of water and sewer system improvements is anticipated to cost \$419,551. Capital costs and maintenance is expected to be funded from the Water and Sewer Operating Fund.

Basis of Revenue Estimates

Ad valorem tax estimates are based on the 1980 real and personal listings in the annexation area assuming a 5% annual growth rate, a 95% collection rate and the current City tax rate of 97¢/\$100 valuation. Other revenues include estimates of Motor Vehicle Stickers, Privilege Licenses, Powell Bill, Beer and Wine Tax, Local Utility Tax, Local Option Sales Tax, Intangible Tax and State Utility Franchise Tax.

¹ includes street lighting, street signing, building inspections and transit service.

of Lot 9, Sheet 87, Limestone Ward, a distance of approximately 449.92 feet to the northwest corner of Lot 9, Sheet 87, Limestone Ward; thence in a westerly direction following the southern property line of Lot 6, Sheet 87, Limestone Ward, a distance of approximately 410 feet to the southwest corner of Lot 6, Sheet 87, Limestone Ward; thence in a northerly direction following the western property line of Lot 6, Sheet 87, Limestone Ward, a distance of approximately 571 feet to the northwest corner of Lot 6, Sheet 87, Limestone Ward; thence in a westerly direction following the southern property line of Lot 5, Sheet 87, Limestone Ward, a distance of approximately 315.29 feet to the southwest corner of Lot 5, Sheet 87, Limestone Ward; thence in a northerly direction following the western property line of Lot 5, Sheet 87, Limestone Ward, a distance of approximately 61 feet to the intersection of said property line with Dingle Creek; thence following Dingle Creek in a northwesterly direction, a distance of approximately 670 feet to the intersection of said Dingle Creek with the eastern right-of-way margin of Overlook Road (SR 3503); thence continuing in a northwesterly direction crossing Overlook Road and following Dingle Creek, a distance of approximately 1,280 feet to the intersection of Dingle Creek with the western property line of Lot 33, Sheet 82, Limestone Ward; thence in a northerly direction following the western property line of Lots 33, 32, 34, 38, and 15, Sheet 82, Limestone Ward, a distance of approximately 1,540 feet to the northwestern corner of Lot 15, Sheet 82, Limestone Ward; thence continuing in a northerly direction following the western property line of Lot 96, Sheet 69, Limestone Ward, a distance of approximately 530 feet to a point 10 feet north of the intersection of said property line with the northern right-of-way margin of a private road; thence in a northeasterly direction following a line 10 feet north of the northern right-of-way margin, of Racquet Club Road and running parallel with said right-of-way margin, a distance of approximately 240 feet to a point 10 feet north of the intersection with the northern right-of-way margin of Racquet Club Road, a private road; thence in an easterly direction following a line 10 feet north of the northern right-of-way margin, a distance of approximately 1,380 feet to a point, said point being 10 feet west of the western right-of-way margin of U. S. Highway 25; thence following a line 10 feet west of the western right-of-way margin of U. S. Highway 25 and running parallel with said right-of-way margin, a distance of approximately 2,015 feet to the existing Biltmore Forest Town Limits; thence in a northerly direction following the existing Biltmore Forest Town Limits, a distance of approximately 1,710 feet to the intersection of said Biltmore Forest Town Limits with the existing City Limit Boundary of the City of Asheville; thence in an easterly and northerly direction of following the existing City Limit Boundary of the City of Asheville a distance of approximately 13,500 feet to the point of BEGINNING.

Upon inquiry of Councilman Cole, Mr. Emrick said the response time for fire protection would be three to four minutes from the longest distance into the Sweeten Creek Road area.

Mr. Emrick said the Asheville Transit Authority is studying the extension of bus service into the Sweeten Creek Road area.

Mr. Jerry Crowe, Attorney, said he would like to receive a copy of the annexation plan for study. He said he was aware that the statutes required that the City Clerk's Office have the annexation plan available at least fourteen (14) days before the public hearing. However, it would probably take him longer than fourteen days to study the plan.

line with Sweeten Creek; thence in a southwesterly direction in a straight line crossing Sweeten Creek Road, a distance of approximately 234 feet to a point 10 feet south of the southern right-of-way margin of a private road, said point also being approximately 315 feet north of the southeastern corner of Lot 24, Sheet 32, Biltmore Ward; thence in a northeasterly direction following a line 10 feet south of the southern right-of-way margin of said private road and running parallel with said right-of-way margin, a distance of approximately 2,380 feet to a point, said point being 10 feet south of the southern right-of-way margin of Roundtop Road (SR 3109), said point also being 10 feet south of the intersection of Roundtop Road and said private road; thence in an easterly direction following a line 10 feet south of the southern right-of-way margin of Roundtop Road and running parallel with said right-of-way margin, a distance of approximately 1,100 feet to the eastern right-of-way margin of Southern Railroad; thence in a southerly direction following the eastern right-of-way margin of Southern Railroad, a distance of approximately 6,640 feet to the intersection of said right-of-way margin and the northern property line of Lot 110, Sheet 69, Limestone Ward, as recorded in the Buncombe County Tax Supervisor's Office; thence following the northern property line of Lot 110, Sheet 69, Limestone Ward and crossing Sweeten Creek Road, a distance of approximately 265 feet to a point in the western property line of Lot 166, Sheet 59, Limestone Ward; thence in a northerly direction following the western property line of Lot 166, Sheet 59, Limestone Ward, a distance of approximately 65 feet to the northwest corner of Lot 166, Sheet 59, Limestone Ward; thence in an easterly direction following the northern property line of Lot 166, 102, 103, 104, 105, 106, 107, 108, and 72, Sheet 59, Limestone Ward, a distance of approximately 1,730.88 feet to the southwestern corner of Lot 73, Sheet 59, Limestone Ward; thence in a northerly direction following the western property line of Lots 73 and 74, Sheet 59, Limestone Ward, a distance of approximately 324.6 feet to the northwestern corner of Lot 75, Sheet 59, Limestone Ward; thence in an easterly direction following the northern property line of Lots 75, 76, 80, 82, 83, 84, 154, 155, 156, a distance of approximately 1,869 feet to the northeast corner of Lot 156, Sheet 59, Limestone Ward; thence in a southerly direction following the eastern property line of Lots 156, 157, 158, 159, 160, 161, 162, Sheet 59, Limestone Ward, crossing Ballantree Drive and continuing along the eastern property line of Lots 163, 164, 135, 134, 133, a distance of approximately 2,099.86 feet to the southeast corner of Lot 133, Sheet 59, Limestone Ward; thence in a westerly direction following the southern property line of Lots 133, 132, 131, 130, 129, 128, 127, 126, 33, 10, 9, 8, 7, 6, and 5, Sheet 59, Limestone Ward, a distance of approximately 2,378.24 feet to a point lying in the southern property line of Lot 5, Sheet 59, Limestone Ward, said point being 10 feet east of the eastern right-of-way margin of Sweeten Creek Road; thence in a southerly direction following a line 10 feet east of the eastern right-of-way margin of Sweeten Creek Road and running parallel to said right-of-way margin, a distance of approximately 5,160 feet to the intersection with Dingle Creek; thence in a westerly direction following Dingle Creek and crossing U. S. Highway 25A, Southern Railway, and U. S. Highway 25, a distance of approximately 1,290 feet to its intersection with the southern property line of Lot 9, Sheet 87, Limestone Ward; thence in a westerly direction following the southern property line of Lot 9, Sheet 87, Limestone Ward, a distance of approximately 380 feet to the southwest corner of Lot 9, Sheet 87, Limestone Ward; thence in a northwesterly direction following the western property line

Area IV - Map 2

Existing City Limits
 Proposed Annexation Boundary
 Existing and Proposed Water Lines

Area IV - Map 3

Existing City Limits
 Proposed Annexation Boundary
 Existing and Proposed Sewer Lines

Statement of Statutory Standards

The territory to be annexed meets the statutory standards of General Statute 160A-48, which defines the character of the area to be annexed, in that:

- (1) The area is contiguous as defined by General Statute 160A-53 as of the 3rd day of March, 1981, and as shown on the map included herein marked Area IV-Map 1.
- (2) The aggregate external boundary line of the area to be annexed is approximately 21,580 feet, of which approximately 5,030 feet, or 23.3%, coincides with the Asheville City boundary, as shown on the map included herein marked Area IV-Map 1. Therefore, at least one-eighth of said external boundary coincides with the Asheville City boundary.
- (3) No part of the area to be annexed is included within the boundary of another incorporation municipality (see Area IV-Map 1).
- (4) The area to be annexed is developed for urban purposes as defined in General Statute 160A-48 (c) (3), in that 85 of the total 131 lots and tracts in the area are used for residential, commercial, industrial, institutional, or governmental purposes or 64.8%; and is subdivided into lots and tracts such that 79.6% of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Acres of land in this area not used for commercial, industrial, governmental or institutional purposes is 130.3 acres of which 103.8 acres is divided into lots and tracts of five acres or less.

Plan For Extension and Financing
of Municipal Service

Patton Avenue West

General Statement

All services will be made available to persons living within the annexed area on the same basis and in the same manner as presently provided to persons residing in the city limits. The city council will designate funds to cover

Mr. Crowe asked questions relative to the annexation of the Sweeten Creek Road area relative to the garbage service, fire protection, police protection, street maintenance, and bus service proposed for the area.

Upon inquiry of Mr. Crowe, Mr. Emrick said taxes for the services would begin on June 30, 1981.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-80 was unanimously adopted.

Complete text of Resolution No. 81-80 will be found in Resolution Book No. 12 at page 363.

RESOLUTION NO. 81-81 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE PATTON AVENUE AREA

6. Consideration was given to a resolution adopting and approving the plan for extension of City services into the area proposed for annexation generally described as the Patton Avenue area.

Verl Emrick read the resolution.

Verl Emrick then presented the annexation plan for the Patton Avenue area which is as follows:

AREA IV - PATTON AVENUE

General Description

The Patton Avenue West area, which is proposed for annexation lies generally between Old Haywood Road and Sand Hill Road to the west and east, and I-40 and the Asheville city limits to the south and north.

The area primarily contains commercial development along U. S. 19-23. The larger commercial development includes: Ingles-West Plaza Shopping Center, Skyland Oldsmobile, Inc., Apple Tree Chevrolet, Holiday Inn West and Moore's Building Supplies. A large portion of the proposed area is developed for institutional purposes and occupied by Asheville School, Inc. Residential development is generally located along Sand Hill Road and the area adjacent to the existing city limits. A map and boundary description is included on the following pages.

Statement of Accompanying Maps

The maps of Asheville and adjacent territory showing the following information are in the office of the Planning Department on the fifth floor of the City Hall Building, Asheville, North Carolina.

- Area IV - Map 1
 - Existing City Limits
 - Proposed Annexation Boundary
 - Existing Land Use

Special collections of loose leaves and tree and shrubbery trimmings placed at curbside will be made periodically, when placed for collection in accordance with the sanitation code of the city.

Commercial establishments will be provided the same level of service as those establishments in the city. Establishments with a volume of refuse which exceeds six (6) approved containers will be responsible for making arrangements with a private refuse collector for service. Funding for these services will be provided in the annual budget process.

Code Enforcement

Upon annexation the area will be subject to the city building, housing, electrical and plumbing codes. The area will also be subject to the city zoning, erosion control and subdivision regulations and all other requirements of the city codes and ordinances in effect in the city at the time of annexation. The enforcement of these codes, ordinances, and regulations will be at the same level as in the city. Funding for these services will be provided in the annual budget process.

Inspections

Residents and property owners may request that inspections of their homes or businesses be made and such requests will be scheduled according to the policies of the city. Deficiencies in structures as defined in the city code will be recorded and supplied to the property owner for corrections. Normal or non-requested inspections will be on a schedule consistent with current policies of the city. Funding for these services will be provided in the annual budget process.

Streets

Street improvements and maintenance will be provided to the approximately 2.73 miles of public streets added to the City's Street System on the same level as provided to all City streets. These activities include scraping and stoning of unpaved public streets, street cleaning, pothole repairs on public paved streets, snow and ice control, trimming on public rights-of-way, shoulder cut and fill maintenance on public rights-of-way, maintenance of sidewalks which are on public rights-of-way, and maintenance of street drainage structures which are on public rights-of-way. Needed street improvements will be recorded and prioritized and performed on the same level as existing City streets. All improvements will be scheduled according to priority and funds available for improvements. Funding for these services will be provided in the annual budget process.

Street Lighting Street Markers

The installation of needed street lighting and street markers will be made on a prioritized basis in accordance with the street lighting and street marking policies in effect in the City. Funds estimated for street lighting

necessary expenses on or before the effective date of annexation through the city's budgetary process. The city, from time-to-time, makes changes to its budget and service delivery policy. Areas which are annexed are subject to these changes as they are adopted by city council and applied citywide. In addition, the amount of funds to be annually appropriated for services to this area, and all areas of the city, shall be made in conformance with the Local Government Budget and Fiscal Control Act, as amended.

Administrative Services

Services provided by the city's council, manager, and administrative departments will be made available to persons residing in the area proposed to be annexed on the effective date of annexation. Funds for these services are provided for by city council through the city's annual budget process.

Police Services

On and after the effective date of annexation, police services will be provided to the area on the same basis and in the same manner as provided within the rest of the City. Such services will be provided with an additional vehicle and five additional officers to patrol the Western zone. Also, four additional officers and one additional vehicle will be assigned to the City's Criminal Investigation Bureau, Juvenile Services, Crime Prevention/Community Relations and Patrol so as to provide the total scope of police services to all areas proposed for annexation. Costs for the additional services to this area will be approximately \$64,000. Funding for these services will be provided in the City's annual budget process.

Fire Protection

The Patton Avenue West area will be provided fire protection on and after the effective date of annexation on the same basis and manner as provided within the rest of the city. Such protection will be provided by pumper and ladder truck response from city station #6, on Haywood Road, backed up by response from city station #3, at the corner of Oregon and Louisiana Avenue. An additional ladder company at station #3 will be manned at an estimated annual cost of \$200,000 and the city's fire prevention function will be upgraded at a total estimated annual cost of \$22,000. Funding for these services will be provided in the annual budget process.

Sanitation

The proposed annexation area will receive the same level of Sanitation services as is provided to residents of the city. Residential refuse will be collected on a regular basis at curbside; this is currently a weekly service. Each resident will be allowed up to six (6) approved containers per pick up. Special "set out" service to curbside for elderly and handicapped individuals may be approved by the Public Works Department if requested by the resident. An additional garbage packer truck will be added to the City's fleet to provide collection service.

First year cost of service:

<u>General</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
Streets	\$ 11,770	\$21,400	\$ 33,170
Sanitation	4,105	24,200	28,305
Police	57,295	6,625	63,920
Fire Protection ²	95,319	11,006	106,325
Other ³	4,811	770	5,581
Total	<u>\$173,300</u>	<u>\$64,001</u>	<u>\$237,301</u>

Water & Sewer: The required upgrading of water and sewer system improvements is anticipated to cost \$832,523. Capital costs and maintenance is expected to be funded from the Water and Sewer Operating Fund.

Basis of Revenue Estimates

Ad valorem tax estimates are based on the 1980 real and personal listings in the annexation area assuming a 5% annual growth rate, a 95% collection rate and the current City tax rate of 97¢/\$100 valuation. Other revenues include estimates of Motor Vehicle Stickers, Privilege Licenses, Powell Bill, Beer and Wine Tax, Local Utility Tax, Local Option Sales Tax, Intangible Tax and State Utility Franchise Tax.

- ¹ includes $\frac{1}{2}$ the estimated cost of a patrol squad to serve both areas I and IV.
- ² includes $\frac{1}{2}$ of the estimated cost of upgrading a fire station to serve both areas I and IV.
- ³ includes street lighting, street signing, building inspections and transit service.

Legal Description of Area IV

BEGINNING at a point, said point being the intersection of the southern right-of-way margin of U. S. 19-23 and the existing City Limit boundary of the City of Asheville; thence in a southeasterly direction following said City Limit boundary a distance of approximately 3,960 feet to a point, said point being 10 feet east of the eastern right-of-way margin of Sand Hill Road (SR 3412); thence in a southwesterly direction following a line 10 feet east of the eastern right-of-way margin of Sand Hill Road and running parallel with said right-of-way margin and crossing Interstate 40, a distance of approximately 4,380 feet to a point 10 feet south of the southern right-of-way margin of I-40; thence in a westerly direction following a line 10 feet south of the southern right-of-way margin of I-40 and running parallel with said right-of-way margin, a distance of approximately 4,540 feet to the intersection of said

is based on the installation of street lights approximately 250 feet. Funding for these services will be provided in the annual budget process.

Traffic Control

Traffic control equipment, signs, and markings and other related traffic control devices will be installed on those streets to be included in the city's system in accordance with existing city policies and procedures. Upon installation these devices will be maintained by the city. Such devices will be funded through the annual budget process.

Water and Sewer Services

An analysis of the existing water and sewer lines in Area IV indicates a need for an additional 4,050 linear feet of water line and 6,700 linear feet of sewer line to adequately serve the area. Six inch water lines will be installed along portions of the following streets as shown on Area IV-Map 2.

Starnes Cove Road
Hillside Terrace
Emory Road
A Private Road
Cranesway Drive

Eight inch sewer lines will be installed along portions of the following streets as shown on Area IV-Map 2.

Asheville School Road
Hillside Terrace
Emory Road
Patton Avenue (U. S. 19-23)
Sandhill Road

The total costs for the improvements will be \$832,523 which will be funded from the Water and Sewer Operating Fund.

AREA IV - PATTON AVENUE FINANCIAL SUMMARY

Annual Estimated Revenues:

Ad Valorem Tax	\$132,000
Other Taxes and Associated Revenues	37,000
Total	<u>\$169,000</u>

Upon inquiry of Ralph Bishop, Mr. Emrick said if the residents of the annexed areas did not pay the city tax due, the same process that is now in effect for existing city residents would take effect.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-81 was unanimously adopted.

Complete text of Resolution No. 81-81 will be found in Resolution Book No. 12 at page 364.

ORDINANCE NO. 1209 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY KNOWN AS "CHICKEN HILL")

7. Consideration was given to the second reading of Ordinance No. 1209, An Ordinance amending Ordinance 322, Known as "An Ordinance providing for the zoning of the City of Asheville," as amended (Property known as "Chicken Hill").

Mayor Trantham said this ordinance was previously read on its first reading and would not be reread in its entirety unless there was a specific request to do so.

At the request of Mr. Emrick, Councilwoman Price moved to amend Ordinance No. 1209 by amending Section 5 of Ordinance No. 1209 by inserting the following: "That this ordinance shall be in full force and effect on the date of final passage. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1209 passed on second reading.

ORDINANCE NO. 1205 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY LOCATED AT 788 FAIRVIEW ROAD)

8. Consideration was given to the third reading of Ordinance No. 1205, An Ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended (Property located at 788 Fairview Road).

Mayor Trantham said this ordinance was previously read on its first and second reading and would not be reread in its entirety unless there was a specific request to do so.

At the request of Mr. Verl Emrick, Councilwoman Price moved to amend Ordinance No. 1205 by deleting Section 5 and inserting the following: "That this ordinance shall be in full force and effect on the date of final passage." This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1205 was passed on third reading and final reading.

line with the southern right-of-way margin of Southern Railroad; thence in a northwesterly direction crossing Southern Railroad and U. S. 19-23, a distance of approximately 690 feet to a point 10 feet north of the northern right-of-way margin of U. S. 19-23 said point also being 10 feet northwest of the southwest corner of Lot 67, Sheet 23, Lower Hominy Ward; thence in an easterly direction following a line 10 feet north of the northern right-of-way margin of U. S. 19-23 and running parallel with said right-of-way margin, a distance of approximately 730 feet to a point, said point being 10 feet west of the western right-of-way margin of Old Haywood Road (SR 1404); thence in a northerly direction following a line 10 feet west of the western right-of-way margin of Old Haywood Road and running parallel with said right-of-way margin, a distance of approximately 2,130 feet to a point, said point being 10 feet north of the northern right-of-way margin of Starnes Cove Road (SR 1255); thence in an easterly direction following a straight line across Old Haywood Road, a distance of approximately 70 feet to a point, said point being 10 feet north of the northern right-of-way margin of Old Starnes Cove Road; thence in an easterly direction following a line 10 feet north of the northern right-of-way margin of Old Starnes Cove Road and running parallel with said right-of-way margin, a distance of approximately 830 feet to a point at which said line merges with a private road; thence in a southeasterly direction following a line 10 feet north of the northern right-of-way margin of said private road and running parallel with said right-of-way margin, a distance of approximately 980 feet to a point 10 feet west of the western right-of-way margin of U. S. 19-23; thence in a northwesterly direction following a line 10 feet west of the western right-of-way margin of U. S. 19-23 and running parallel with said right-of-way margin a distance of approximately 440 feet to a point at which said line intersects the western right-of-way margin of Southern Railroad; thence in a northerly direction following the western right-of-way margin of Southern Railroad a distance of approximately 1,760 feet to the Asheville City Limits; thence following the Asheville City Limits in an easterly direction a distance of approximately 1,070 feet to the point of BEGINNING.

Councilman Brownlee said he was concerned about Montgomery Road, located approximately 6/10 of a mile from Patton Avenue, due to the fact that there are seven homes on this road with a 2" water line. He said he realized that water and sewer services would not be required by the City for at least one year after the effective date of the annexation ordinances. He said he was concerned that the residents would not receive fire protection, particularly with a 2" water line.

Verl Emrick informed Councilman Brownlee that he would contact Chief Ball relative to detailed plans of providing service to the Montgomery Road residents.

Mr. Emrick said fire hydrants would be placed in the area according to the present City policy of placing a fire hydrant where the fire hose will reach at least 500' in each direction.

Councilman Brownlee said that he thought the City would lose money on this annexation area for the next 25 years due to the fact that the Asheville School property is non-taxable.

Mark Carlson, Corbin-Carlson, Developer. After discussion, the Commission voted to recommend approval of the site plan subject to the following: 1) Erosion Control Ordinance; 2) Approval by Department of Human Resources; and 3) Show buffering, grading plan and parking for handicapped on the plan.

- D. Resolution No. 81-84 - Resolution authorizing the Mayor to execute a quitclaim deed to Parker Fabric Company, Inc.

HIGHLIGHTS: Parker Fabric Company, Inc., has requested the City of Asheville to execute a quitclaim deed for property known as Lot 69 of a plat of Horney Hayes Subdivision recorded in the Buncombe County Registry of Deeds in Plat Book 5, page 112. The City of Asheville has no interest in this property. The property was deeded to the City of Asheville by the Buncombe County Board of Tax Supervision, however, that deed was changed to another owner several years ago.

Resolution Book No. 12 at page 367.

Upon motion of Councilman Cole, seconded by Councilman Boland, the consent agenda was unanimously approved.

CLAIMS - DORMA RAINEY - ROBBIE MAE THOMAS - MAUDE THOMAS

10. The City Manager presented claims received from Dorma Rainey, Robbie Mae Thomas, and Maude Thomas.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - "CLEAN UP LITTER WEEK" - APRIL 13-18, 1981

Mayor Trantham proclaimed the week of April 13-18, 1981 as "Clean up Litter Week."

RALPH BISHOP - COMMENTS RELATIVE TO FORMER POLICE CHIEF J. C. HALL'S PENSION

Ralph Bishop requested Councilman Brownlee to investigate the pension that former Police Chief J. C. Hall now receives. He said he felt former Police Chief J. C. Hall should be reexamined by the Pension Board.

ADJOURNMENT.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 6:30 p.m.

Wayne Trantham
Mayor

William B. Hines
City Clerk

Complete text of Ordinance No. 1205 will be found in Ordinance Book No. 9 at page 200.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-82 - Resolution authorizing the City Manager to enter into a contract with Six Associates, Inc., for staffing services to the City of Asheville and the Asheville Revitalization and Economic Commission.

HIGHLIGHTS: This agreement will provide for Six Associates, Inc., to provide staff services to the City and the Asheville Revitalization and Economic Development Commission in connection with the expansion of the Commission pursuant to Ordinance No. 1207, adopted March 19, 1981.

Resolution Book No. 12 at page 365.

- B. Resolution No. 81-83 - Resolution renaming Tolula Lane to Old Asheland Avenue.

HIGHLIGHTS: On February 1, 1979, the Asheville City Council named a new street (#3), created by the realignment of streets by the Urban Renewal Project, Tolula Lane and on July 12, 1979, Council, by motion, renamed a portion of Tolula Lane to Old Asheland Avenue. A petition has been received from the two residents on Tolula Lane requesting that the street be renamed to Old Asheland Avenue in order to alleviate confusion created by the name of the street.

Resolution Book No. 12 at page 366.

- C. Scheduling of a public hearing relative to a site plan of a proposed apartment complex to be constructed on Overbrook Drive for May 7, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at its meeting held on April 1, 1981, considered the site plan of a proposed apartment complex to be constructed on Overbrook Drive. The plan was prepared by Spaceplan, Inc., architects, for

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Vol. 47-A

1980

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<u>Apple Tree Chevrolet, Inc.</u> - Bids awarded to this company for one cab and chassis diesel truck with 5 to 6 yard dump bed for the Street Division.	65
<u>Annexation</u> - Hearing and all three readings of annexating a portion of Regent Park into the Corporate Limits.	68
<u>Asheville Regional Airport</u> - Mayor authorized to sign an easement with CP&L to provide electrical services to the FAA facilities at this airport.	81
<u>Asheville Housing Authority</u> - City's concurrence in the submittal of a preliminary request for financial settlement of the East Riverside Urban Renewal Project (NC R-48).	84
<u>Asheville Paving Company</u> - Mayor authorized to sign a contract with this company for the 1979-80 Paving Contract.	84
<u>Areawide Action Program Update for FY 1980-81</u> - Endorsement of this plan postponed for one week.	88
<u>Arden Equipment Company</u> - Bids awarded to this company for 1 industrial type rubber tired tractor/loader with "4 in 1" bucket for the Sanitation Division.	92
<u>Avery Creek Sanitary District</u> - Mayor authorized to assure the State of N. C. that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in this district under the subject project.	92
<u>Avery Creek Sanitary District</u> - Mayor authorized to assure the Bd. of Commissioners of Buncombe County and this district that the City will provide for the operation, maintenance and administration of the water supply system improvements to be made in this district under the subject project.	93
<u>Asheville Paving Company</u> - Correction of error on bid received from this company on 1979-80 Paving Contract.	93
<u>Areawide Action Program</u> - endorsement of Land-of-Sky Regional Council Areawide Action Program Update for FY 1980-81.	98
<u>Asheville Housing Authority</u> - reappointment of Mrs. Earl Shook, Jr. to the Commission.	100
<u>Annexations, Proposed</u> - discussion relative thereto- re: bus service to industries.- discussion with Mr. Miles Bosworth, page 102.	100

"A"

<u>Airport</u> - agreement with Talbert, Cox and Associates for desing of improvements to the Airport Terminal.	2
<u>Atkins, Beverly J.</u> - claim against the City	4
<u>Alley</u> - off Fairfax Avenue closed - First Union National Bank of North Carolina and Grace Baptist Church	5
<u>Asheville Area Chamber of Commerce</u> - agreement entered into for office/corporate feasibility study to be done by the Fantus Company	10
<u>Arakas, Mary K</u> - claim against the city	13
<u>Alley</u> - closing of alley located off Biltmore Avenue for St. Joseph's Hospital	15,24
<u>Asheville Regional Airport</u> - amendment to agreement with Smoky Mountain Region of Porsche Club of America for use of the airport.	19
<u>Auditing Contract</u> - awarded to Patton, Hunter and Company for year ending June 30, 1980.	19
<u>Audit</u> - approving signatories for the pre-audit certification	20
<u>Appalachian Regional Commission</u> - funds applied for in support of Pine Street Water and Sewer Improvements	26
<u>Asheville Riverfront Revitalization Program</u> - The authorization of an extension of contract with the Land-of-Sky Regional Council for the continuation of this program was postponed.	38
<u>Asheville Regional Airport</u> - Solicitation of upset bids authorized for lease of property near this Airport.	45
<u>Asheville High School</u> - This school was commended on their participation in the International Exchange Program.	52
<u>Apple Tree Chevrolet</u> - Bids were awarded to this company for 3 ½ ton pick-up trucks, 1 4-wheel drive utility truck and 3 subcompac 2-door sedans for the Motor Transport Department and the Water Maintenance and Construction Division.	54
<u>Arbys</u> - Mayor authorized to execute a temporary right-of-way encroachment agreement with this company regarding a portion of Florida Avenue.	55
<u>Asheville Tourists</u> - Ron McFee presented council with pases for these baseball games.	58
<u>Asheville Regional Airport</u> - Offer for lease of property accepted near this Airport for hotel/motel complex.	59
<u>Asheville Regional Airport</u> - City Manager authorized to accept a proposal from Hutchison-Biggs, Inc. to correct the survey of this Airport property.	60

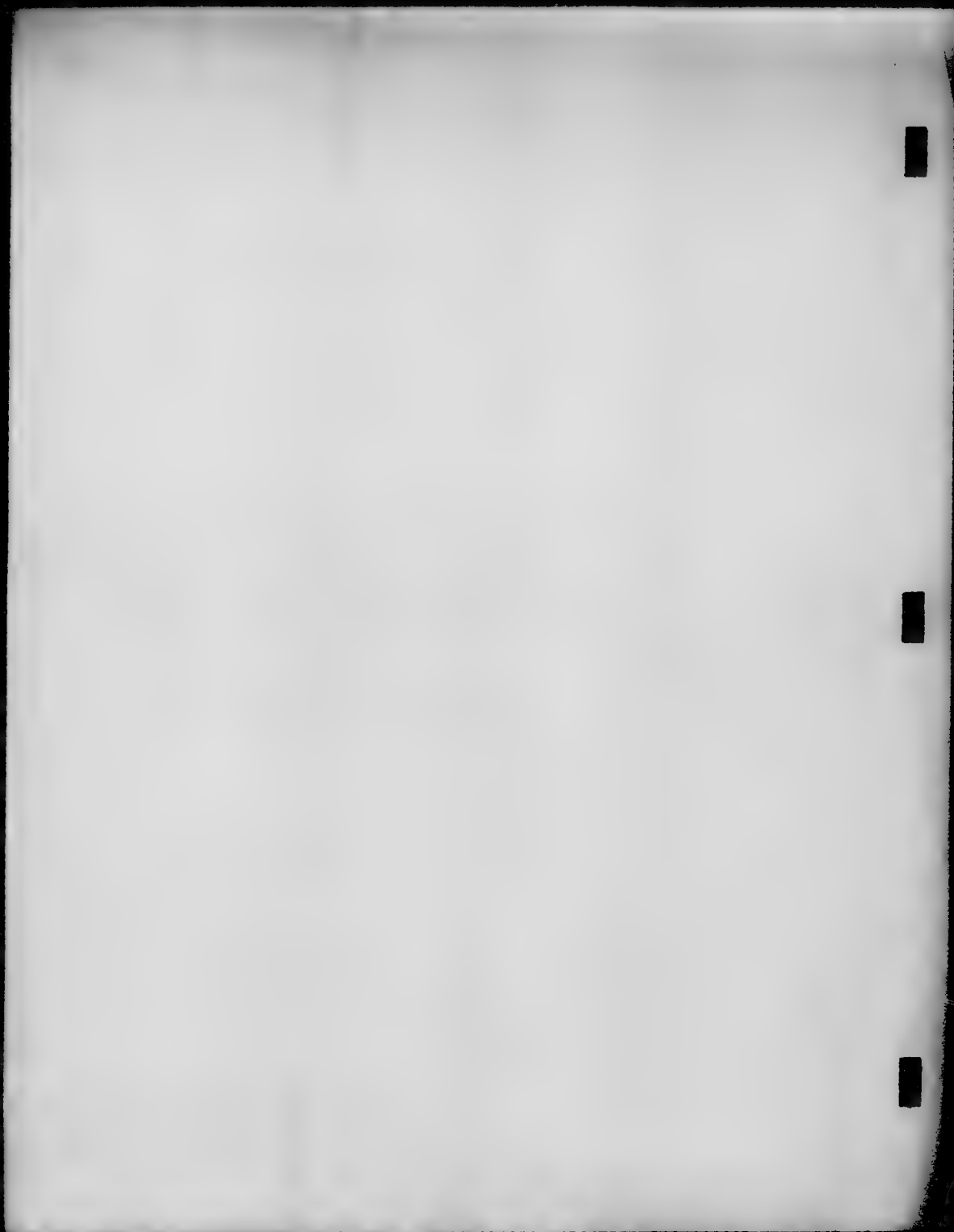
<u>Appropriations</u> - ordinance summarizing and ratifying all budget amendments made through June 26, 1980	187
	188
<u>Appalachian Regional Commission</u> - application for funds in support of downtown access and water, sewer and drainage improvements.	
<u>Agreement</u> - CP & L for power for pump house - Sweeten Creek Road.	204
<u>Agreement</u> - Talbert, Cox & Assoc., Inc. - evaluation of Chestnut St. Bridge.	204
<u>Architectural Services</u> - Solicitation of for rehabilitation of Historic Property.	204
<u>Ardmore</u> - Report by City Manager regarding petition received to open street.	207
<u>American Way/Rash Road Six-Inch Sewer Line</u> - contract awarded to Huntley Construction Company for this project	214
<u>Annexation</u> - hearing scheduled relative to requiring a development within 3-mile radius of City to petition for annexation prior to being granted a tap permit to the City of Asheville Water System. Hearing held page 209	215
<u>Austin, Johnny L.</u> - claim against the city	216
<u>Austin, Geraldine</u> - claim against the city	216
<u>Annexation</u> - presentation of request by Edward J. DeBARTOLO Corporation and Mr. George H. V. Cecil - annexation into the city of Asheville for proposed regional mall.	225
<u>Annexation</u> - Resolution directing the city clerk to investigate a petition received under G.S. 160A-31 - Regent Park Area.	235
<u>Airport</u> - resolution authorizing the Mayor to sign on behalf of the City of Asheville an application and subsequent documents for federal assistance for ADAP Project 6-37-0005-06	236
<u>Allen Center, Inc.</u> - Resolution consenting to the assignment of lease-purchase agreement by Friends Enterprises	237
<u>Asheville Revitalization Commission</u> - Resolution appointing members	237
<u>Avery, Nilous M.</u> - appointed by resolution to Asheville Revitalization Commission	237
<u>Asheville Tree Commission</u> - Resolution appointing members	237
<u>Annexation</u> - comments by Mrs. Jean Sales relative to Riceville Community	242
<u>Asheville-Buncombe Community Relations Council</u> - Budget amendment - Annual operating budget fiscal year 1980-81	244
<u>Akzona Project Area</u> - resolution authorizing the execution of a contract with CP& L for lighting	245
<u>Annexation</u> - resolution fixing date of public hearing for Regent Park annexation completed, page 268	251

"A" (cont'd)

<u>Airport</u> - execution of change order no. 8 with Champion Contracting Company for project known as Site Preparation for 1,500' Runway and Taxiway Extension.	137
<u>Asheville Revitalization Commission</u> - appointment of Mr. Ronald Brondyke as a member of the commission.	137
<u>Annexations</u> - City Manager's report on proposed annexations	137
<u>Avery Creek Sanitary District</u> - assurances given to State of N. C. relative to this water supply system.	138
<u>Avery Creek Sanitary District</u> - assurances given to Buncombe County Board of Commissioners and Avery Creek Sanitary District relative to this water supply system.	138
<u>Annexations</u> -discussion relative to proposed annexations - for citizens of Haw Creek.	139
<u>Annexations</u> - comments made by Ralph Bishop relative to proposed annexations	139
<u>Allen, Mr. Herbert</u> - resolution of commendation for retiring employee from the Parks and Recreation Department - McCormick Field	140
<u>Appropriations</u> -budget ordinance summarizing and ratifying budget amendments through March 31, 1980	141
<u>Asheville-Buncombe County Community Relations Council</u> - appointment of Mr. Bob Carr and Police Chief as members of the Council.	143
<u>Abbott, Mr. John</u> -reappointed a member of the Zoning Board of Adjustment	144
<u>Appalachian Regional Commission</u> - notification to apply for grants re: downtown area	145
<u>Appropriations</u> - budget for 1980-81 hearing held, page 147, 1st reading, page 147; 2nd reading, page 161 ; 3rd reading, page 171 .	
<u>American Way/Rash Road-Fund</u> Budget Amendment - Water and Sewer Capital Construction	155
<u>American Way/Rash Road</u> -- r/w agreement with Gary Cooper Coffey for water line	156
<u>Asheville Area Civic Center Commission</u> - reappointment of Mrs. Barbara Keleher	158
<u>Asheville Area Civic Center Commission</u> - reappointment of Mr. Marvin Chambers	158
<u>Annexation</u> - discussion of proposed annexation by Limestone Planning Council	165
<u>Ardmore Street</u> - petition presented relative to request to open street	166 173
<u>Airport Annexation Area</u> - agreement with Skyland Volunteer Fire Dept. for fire protection services in the airport annexation area.	172

<u>Annexation</u> - comments by Mr. Rex Ballard re: annexation vs. taxes	306
<u>Alley</u> - closing of unnamed alley off Biltmore Avenue for St. Joseph's Hospital.	309
<u>Appropriations</u> - ordinance summarizing and ratifying all budget amendments approved through September 30, 1980.	309
<u>Ambulances</u> - repealing chapter in city code relative to regulating ambulances second and third reading, pager 322, 323.	314
<u>Asheland Avenue</u> - Resolution of intent to close a portion of street and calling a public hearing on the question. Hearing held	364 395
<u>Asheville Housing Authority</u> - resolution requesting AHA to proceed with the re-development plan for the North Lexington Avenue study area.	378
<u>Asheville, City of</u> - Liaison between City Manager and Strouse-Greenberg.	378
<u>Announcement</u> - Death of Ex-City Councilman, Ruben J. Darley.	384
<u>Announcement</u> - Selection of firm to analyze downtown development project area	387
<u>Almendinger, Randy C.</u> - claim against city	387
<u>Asheville Policemen's Pension</u> - An ordinance authorizing the creation of a supplemental annuity fund for certain city employees and surviving spouses. Hearing and 1st reading, pg. 388, 2nd reading, pg. 399, 3rd reading, pg. 399	
<u>Asheville Housing Authority</u> - resolution directing the AHA acting in its capacity as a redevelopment commission, to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the area described herein (Depot Street)	402
<u>Asheville Code of Ordinances</u> - An ordinance repealing Section 27-4 (regarding Insurance for Taxicabs). Hearing and first reading, pg. 409, second reading, pg. third reading, pg.	
<u>Asheville-Buncombe Water Authority</u> - resolution appointing members to the Asheville Buncombe Water Authority.	410
<u>Annual Operating Budget</u> - Budget Amendment	414
<u>Asheville-Buncombe Water Authority</u> - Resolution appointing members to Asheville Buncombe Water Authority.	417
<u>Airport Expansion Project Area</u> - Resolution authorizing condemnation of property in this area.	417

<u>Acce, Mr. John</u> - appointed to Zoning Board of Adjustments	252
<u>Asheville-Buncombe Historic Resources Commission</u> - resolution appointing members	252
<u>Asheville-Buncombe County Youth Council</u> - resolution appointing members	252
<u>Airport</u> - announcement of completion of 8,000' runway extension	253
<u>Ashe, Bill</u> - authorization for Mayor to execute agreement for architectural services	260
<u>Averett, Helen B.</u> - Claim against the city	261
<u>Asheville Terrace</u> - r/w agreement with Rodney Lawler, owner of Asheville Terrace concerning an easement for the maintenance and repair of a water line.	265
<u>Airport</u> - accepting grant agreement from FAA - Project No. 6-37-005-06	266
<u>Annexation</u> - comments by Ed Fowler relative to proposed annexation	267
<u>Asheville-Buncombe Insurance Advisory Committee</u> - Mr. Robert E. Lineback appointed as member	272
<u>Asheville Symphony Week</u> - request by Councilman Boland to have proclamation	272
<u>Airport</u> - authorizing execution of change orders 9, 10, and 11 with Champion Contracting Company for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.	276
<u>Airport Runway Extension Project</u> - Budget amendment relative to change orders	277
<u>Asheville-Buncombe County Youth Council</u> - seeking grant funding from N. C. Youth Advisory Council for the Buncombe County Special Olympics Project of the A-B County Youth Council.	277
<u>Annexation</u> - Ned Fowler discussion relative to proposed annexations	279
<u>Alpha Delta Kappa Week</u> - Proclamation for week of October 12 - 18, 1980	291
<u>Annexation</u> - report relative to Ballard Property on Hendersonville Road - annexation vs. taxes	295
<u>Alcoholic Control Board</u> - appointment of J. W. Byers as a member of the Board	298
<u>Asheville Symphony Week</u> - Proclamation - October 25 - 31, 1980	301
<u>Asheville Airport</u> - execution of change orders numbers 1 and 2 for Warren Brothers Contracting Company and Change Order Number 1 with Walker and Whiteside, Inc. for project known as Runway and Taxiway Extension	300



A

<u>Agreement with Price, Waterhouse, and Company</u> - resolution authorizing the City Manager to enter into an agreement.	417
<u>Announcement</u> - relative to sale of property in Knollwood on Starmount Drive	418
Upset bid received from Wayne Kinser.	
<u>Asheville Concrete</u> - Claim against city	418
<u>Announcement</u> - approval of bus grant application	418
<u>American Log Homes</u> - Sign permit approval - 295 Haywood Street	429
<u>American Energy Week</u> - Proclamation - March 15 - 21, 1981	443
<u>Asheville Downtown Commercial Complex</u> - Strouse-Greenberg - Comments	443
<u>Asheville School Board</u> - Resolution No. 81-65 - appointing members	439
<u>Asheville Revitalization Commission</u> - Ordinance No. 1207, expanded duties in connection with the Department Economic Development	446
<u>Agreement</u> - Patton - Hunter, Company - Water Department Charges	451
<u>Annexation</u> - procedures for considering items relative to	453
<u>Annexation</u> - Plan to be considered - April 9, 1981	457
<u>American Log Homes, Inc.</u> - sign Permit - 205 Haywood Road	458
<u>Asheville Catholic Community School Athletic Field and Playground</u> - Authorizing Mayor to enter into lease agreement	460
<u>Asheville Buncombe County Youth Council</u> - Resolution No. 81-69 , Authorizing Lease agreement	460
<u>Airport Expansion Project Area</u> - Authorizing Acquisition and Lease of property - Resolution No. 81-72	461
<u>Asheville High School</u> - Resolution No. 81-73 - commending on their participation in the International Exchange Program and recognizing the foreign exchange students	465
<u>Asheville Civic Center Facilities</u> - Resolution No. 81-74 - Adjusting rental rate structure	467
<u>American Log Homes, Inc.</u> - Approval of Sign Permit - 295 Haywood Street	469
<u>Asheville Police Department</u> - Commendation	471
<u>Asheville Revitalization and Economic Commission</u> - Resolution No. 81-82, Authorizing City Manager to enter into contract with Six Assoc.	503

<u>Buchanan Concrete Construction Company</u> - Mayor authorized to sign a contract with this company for the project known as Walnut Streetscape.	42
<u>Bishop</u> - Ralph Bishop spoke about the lottery sales in Asheville.	42
<u>Bear Creek Road, South</u> - Reconsideration was given to the third reading of rezoning property on this Road and N. C. 191 connector.	43
<u>Budget Amendment</u> - Amendment to the Fiscal 1979-80 Operating Budget and Federal Capital Projects Fund to budget two LEAA grants, Mobile Unit and Portable Alarms.	46
<u>Brooklet Street</u> - Mayor authorized to execute a right-of-way encroachment agreement with Charles and Jeanne Cummings for the purpose of construction a sewer line on this street.	46
<u>Budget Amendment</u> - Amendment to the Fiscal 1979-80 Operating Budget to reallocate funds out of the Finance Department, Accounting Department, Customer Services Department pursuant to reorganization of those divisions.	47
<u>Budget Amendment</u> - Amendment to the City of Asheville Second, Fourth and Fifth Year Community Development Funds to provide for additional planning costs for the Planning Department in relation to economic development and comprehensive planning strategies and the reprogram available funds for the completion of Chestnut Street Fire Line.	47
<u>Bids</u> - Bids awarded to Mitchell Distributing Company for portable air compressors for Water Maintenance and Construction Division.	47
<u>Bids</u> - Bids awarded to Ball Photo Supply of North Carolina, Inc. for photographic equipment for use in the Police Department Identification Program.	47
<u>Ball Photo Supply of North Carolina, Inc.</u> - Bids awarded to this company for photographic equipment for use in the Police Department Identification Program.	47
<u>Bishop, Ralph</u> - Commented on corruption in Police Department.	51
<u>Bids</u> - Awarded to Silverman Company for corrugated steel pipe for the Parks and Recreation Department.	54
<u>Bids</u> - Awarded to Apple Tree Chevrolet for vehicles for the Water Maintenance and Construction Division and the Motor Transport Department.	54
<u>Budget Amendment</u> - Amendment to the Revenue Trust Fund Budget for air conditioning repair for the Art Museum at the Civic Center.	55
<u>Buckner, Rickey D.</u> - A claim was received by this person.	55

<u>Brewer, Marvin</u> - claim against the City	4
<u>Blair, Wendall</u> - claim against the City	4
<u>Bridges, Ronald Earl</u> - claim against the City	4
<u>Biltmore Avenue</u> - closing of alley located off Biltmore Avenue for St. Joseph's Hospital	15 - 24
<u>Bishop, Ralph</u> - spoke re: corrupt police department - lottery sales	21
<u>Budget Amendment</u> - for City of Asheville, First, Second, Third, Fourth and Fifth Year Community Development Fund Budgets.	25
<u>Bishop, Ralph</u> - spoke relative to police department and lottery sales	26
<u>Blalock Avenue #48 and #53</u> - ordinance to demolish these dwellings - hearing scheduled page, 26, hearing and 1st reading, page 52 ; 2nd reading, page 59 ; 3rd reading, page . - Tabled - page 63.- Progress report - page 85.	26
<u>Budget Amendment</u> - Amendment to the Federal Programs Fund Budget for FY 1979-80 which will reflect a 15% reduction in budgeted administrative expenses for CETA grants.	33
<u>Budget Amendment</u> - Amendment to the Annual Operating Budget for FY 1979-80 for increases/decreases in revenues and expenditures that have occurred throughout the year for various reasons.	33
<u>Budget Amendment</u> - Amendment to the Annual Operating Budget for FY 1979-80 to provide funds for purchases budgeted and encumbered in FY 1978-79 but paid for in the current fiscal year.	33
<u>Budget Amendment</u> - Amendment to the Annual Operating Budget for FY 1979-80 to remove \$930 for Worker's Compensation insurance from Library budget because the Library is not covered under the City's insurance program.	33
<u>Budget Amendment</u> - Amendment to the General Operating Budget for FY 1979-80 in the amount of \$63,000 to restore funds to the Street Lighting Budget because savings did not materialize.	34
<u>Budget Amendment</u> - Amendment to the Operating Budget for FY 1979-80 in the amount of \$8,270 to provide funding for an Employee Training and Testing Resource Center.	34
<u>Beta Sigma Phi Year</u> - Mayor proclaimed April 30, 1980 - April 31, 1981 as such.	35
<u>Bradley, Fayne W.</u> - Resolution of appreciation and commendation to this employee.	36
<u>Bids</u> - Awarded to Southeastern Distributors for water meter rims and lids for the Water Department.	41
<u>Budget Amendment</u> - Amendment to the Water & Sewer Capital Construction Fund budget to fund easement and right-of-way in conjunction with the 208 Areawide Water Quality Management Plan and to fund the W. T. Weaver Boulevard Water Line Extension.	42

<u>Beverly Hills Rezoning</u> - Request Corporation Counsel to file a motion with Judge Thornberg to reconsider his decision relative to the case Carmelite Sisters vs. City of Asheville.	55
<u>Buckner, Samuel E.</u> - Complained about garbage collection.	56
<u>Bishop, Ralph</u> - Requested copy of survey done on the conservation of energy.	57
<u>Buckner, Samuel E.</u> - Complained about garbage collection.	60
<u>Bishop, Ralph</u> - Complained about the lottery sales in Asheville.	61
<u>Balanced Growth Policy</u> - Willingness, potential and capacity indicated to support additional growth through this state-wide policy.	64
<u>Bids</u> - Awarded to Apple Tree Chevrolet, Inc. for 1 cab and shassis diesel truck with 5 to 6 yard dump bed for the Street Division.	65
<u>Bids</u> - Awarded to E. J. Smith & Sons for 6 high-wheel mowers, 26" cut, for the Park Maintenance and Riverside Cemetery.	66
<u>Blount, Maria</u> - A claim was received by this person.	66
<u>Buckner, Samuel E.</u> - City Manager reported on a complaint by this person.	66
<u>Bishop, Ralph</u> - This person made comments relative to the Police Department.	67
<u>Buncombe County Governor's Conference on Leadership Development for Women</u> - Support of this conference.	75
<u>Budget Amendment</u> - 1979-80 Operating Budget amended to recognize revenue (\$9,100) from the Committee of 36 for Downtown Mall Feasibility Study.	77
<u>Budget Amendment</u> - General Capital Project Fund Budget amended to establish a capital project to fund street paving for 1980 (\$329,125).	77
<u>Beta Sigma Phi Year</u> - April 30, 1980 - April 20, 1981 proclaimed as such.	78
<u>Brown, Gerald</u> - This person at 17 Carolina Lane commented on the planting of trees on Rankin Street.	78
<u>Bishop, Ralph</u> - This person commented on the invocation at the beginning of Council meetings.	78
<u>Burroughs Corporation</u> - Mayor authorized to sign a lease with this corporation for computer equipment and operating software for the Customer Services and Collections Division of the Water & Sewer Services Department.	80
<u>Bishop, Ralph</u> - This person commented on lottery sales being allowed to continue in the City of Asheville.	82
<u>Boland, Councilman</u> - Asked for a progress report relative to the City's involvement in the selling of personal property.	85
<u>Beverly Hills Rezoning</u> - A Mr. Roberts asked Council if they were aware that Judge Thornberg reconsidered his decision on this rezoning.	86

<u>Bids</u> - Hydraulic Packer Type Body -25-yard capacity for Sanitation Division	143
<u>Bids</u> - Pool chemicals for City of Asheville Parks and Recreation Dept. for FY 1980	143
<u>Board of Adjustments</u> - reappointment of Mr. John Abbott, Jr. Jack Baber, Graham Price, Richard F. Webster	144
<u>Baber, Mr. Jack</u> - reappointed to Zoning Board of Adjustment	144
<u>Boundary Line Agreement</u> - executed between the City of Asheville and the County of Buncombe relative to property owned by the City and the County and leased to the State Highway Patrol Offices.	144
<u>"Biltmore Center (445)"</u> - group development - public hearing scheduled, page 145; hearing and approval, page 160 .	
<u>Bailey, Rosa Lee</u> - Claim against the City	145
<u>Barcelou, Richard A.</u> - Claim against the City	145
<u>Beaverdam Valley Area</u> - moratorium extended on multi-family facilities in the Beaverdam Valley Area - public hearing scheduled, page 146 - hearing and 1st reading, page 170; 2nd reading, page 170 ; 3rd reading, page 170 .	
<u>Budget Amendment</u> - Water and Sewer Capital Construction Fund - for Old Toll Road sewer project.	146
<u>Bishop, Ralph</u> - requests for city records	146
<u>Brown, C. Fred</u> - resolution in memory of	147
<u>Budget</u> - public hearing relative to the Budget for 1980-81 second reading, page 161	147
<u>Budget Amendment</u> - Water and Sewer Capital Construction Fund - American Way/Rash Rd.	155
<u>Beacon Manufacturing Company</u> - r/w agreement for water line on Swannanoa River Rd.	156
<u>Burmeister, Wright and Associates, P. A.</u> - contract for general consultant engineering services.	157
<u>Bingham Road</u> - rezoning property at the corner of Emma Road and Bingham Road for Mr. and Mrs. Eugene Silver - hearing scheduled, page 157; hearing and first reading, page 178 ; 2nd reading, page 200 ; 3rd reading, page 212 .	157
<u>Bids</u> - for 2 subcompact sedans to be used in Water Production and Quality Control Division.	157
<u>Buncombe County Employment and Training Office</u> - application for CETA funds for Fiscal Year 1980-81.	158
<u>Bishop, Ralph</u> - comments relative to the Asheville Police Department	159

"B"

<u>Bear Creek Road, South - ordinance to rezone property on this road and N. C. 191 Connector for Westland Mall repealed.</u>	96
<u>Blue Ridge Community Mental Health Center - agreement to provide wide range of mental Health and related services to the employees of the City of Asheville.</u>	b9
<u>Burmeister, Wright and Associates, P. A. - agreement for engineering study at Bee Tree Lake</u>	101
<u>Bee Tree Lake - agreement with Burmeister, Wright and Associates, P. A. for engineering study at this lake.</u>	101
<u>Bosworth, Mr. Miles - spoke relative to proposed annexations</u>	102
<u>Bishop, Mr. Ralph - spoke relative to lottery sales in City</u>	102
<u>Buckner, Charles G. - resolution of appreciation and commendation to this person upon retirement.</u>	103
<u>Bishop, Ralph H. - resolution of appreciation and commendation to this person upon retirement</u>	104
<u>Budget for 1980-81 - presentation of City of Asheville Budget for 1980-81 and scheduling a public hearing on the budget, - hearing on budget, page 1st reading, page ; 2nd reading, page ; 3rd reading, page 171 .</u>	104
<u>Bids - approval of bids for folding chairs and tables at the Civic Center</u>	137
<u>Brondyke, Mr. Ronald - appointed a member of the Asheville Revitalization Commission.</u>	137
<u>Budget Amendment - General Fund Operating Budget - "Cool Green Asheville Project"</u>	139
<u>Bishop, Ralph - comments relative to annexation</u>	139
<u>Budget - ordinance summarizing and ratifying all budget amendments through March 31, 1980.</u>	141
<u>Budget Amendment - Fiscal 1979-80 Operating Budget - Re: Library Funds (7,560)</u>	141
<u>Budget Amendment - Fiscal 1979-80 Operating Budget - Re: Planning Dept. (9,900)</u>	141
<u>Budget Amendment - Fiscal 1979-80 Operating Budget - Re: Parks & Recreation (2,500) Hillcrest Community Center</u>	142
<u>Bids - Copper Tubing for Water Maintenance and Construction Division</u>	143
<u>Bids - Water Meter Boxes for Water Maintenance and Construction Division</u>	143

<u>Bele Chere Festival -</u>	Proclamation for August 14, 15, and 16, 1980	218
<u>Bele Chere Festival -</u>	authorizing certain official action relative to	218, 236
festival)		
<u>Budget Amendment -</u>	Water and Sewer Services Dept. Operating Budget	222
	to reflect organizational structure of Dept.	
<u>Budget Amendment -</u>	Community Development Fund Budget - Re: Incentive Housing	222
Program		
<u>Budget Amendment -</u>	Parks and Recreation Dept. Budget Re: Hillcrest Community	223
Center		
		223
<u>Buncombe County Commissioners -</u>	agreement with them for CETA funds for FY 1980-81	
<u>Buncombe County Enterprises -</u>	claim against the city	224
<u>Bishop, Ralph -</u>	comments relative to obtaining city records	224
<u>Budget Amendment -</u>	Capital projects fund budget - Pack Square revitalization	
	Project	234
<u>Budget Amendment -</u>	Community development fund budget - West Asheville street &	
	drainage project	234
<u>Budget Amendment -</u>	Federal grants program budget - Parks and recreation dept.	235
<u>Budget Amendment -</u>	Community development fund budget - incentive housing program	235
<u>Bennett, Harold K., Attorney -</u>	authorization to file for a declaratory judgement	
	on the Sullivan Act- resolution No. 80-144	235
<u>Barnes, Bruce -</u>	appointed by resolution to the Asheville Area Civic Center Comm.	237
<u>Budget Amendment -</u>	City of Asheville annual operating budget for 1980-81 - Civic	
	Center Roof	238
<u>Bishop, Ralph -</u>	comments relative to lottery peddlers, councilmen, sullivan act	238
<u>Budget Amendment -</u>	Asheville revitalization fund budget for fiscal year 1980-81	243
<u>Budget Amendment -</u>	annual operating budget 1980-81 - Cool Green Asheville promo	243
<u>Bele Chere -</u>	Asheville Revitalization Fund Budget for fiscal year 1980-81	243
<u>Budget Amendment -</u>	Annual operating budget fiscal year 1980-81 - Asheville-Buncombe	
	Community Relations Council	244
<u>Budget Amendment -</u>	Annual operating budget fiscal year 1980-81 - Quality Forward	244
<u>Beaverdam Valley -</u>	relative to adoption of an ordinance extending a moratorium	
	on zoning permits for multi-family facilities. Hearing scheduled page 245;	
	hearing held ~~XXXXXXXXXXXX~~ , page 263; 2nd reading, page ;	
	3rd reading, page .	

"B" (cont'd)

<u>Buchanan Concrete Contracting Co-</u>	contract awarded for Project known as	164
<u>South Pack Square Plaza.</u>		
<u>Bids -</u>	five (5) mobile radios installed for the Asheville Police Department	164
<u>Bids -</u>	portable Burglary Robbery Stake Out Alarm for Asheville Police Dept.	164
<u>Bids -</u>	Chemicals for treatment of water for July 1, 1980 - June 30, 1981	164
<u>Burmeister, Wright and Associates -</u>	agreement to conduct an engineering study regarding the development of Bee Tree Lake as a potable water source.	165
<u>Beaver, Captain C. R. -</u>	recognition for graduation from FBI Academy	167
<u>Buncombe County -</u>	authorization for transfer of responsibility for administrative support of the Pack Memorial Library from the City of Asheville to Buncombe County	171
<u>Bishop, Ralph -</u>	comments relative to lottery peddlers	174
<u>Budget -</u>	ordinance summarizing and ratifying all budget amendments through June 26, 1980	187
<u>Budget -</u>	ordinance establishing the sixth year community development block grant entitlement as a capital project for the City of Asheville	188
<u>Budget Amendment-</u>	amending Community Development Fund Budget to provide funds for street and sidewalk improvements, water and sewer improvements, and resurfacing of Eagle Street	188
<u>Beaverdam Road -</u>	rezoning property on Beaverdam Road (w 9 S 6 L 28, 28-1/4) hearing scheduled, page 189; hearing and 1st reading, page 220; 2nd reading, page 233; 3rd reading, page .	189
<u>Bonds -</u>	Resolution approving form of same for Victoria of Asheville.	199
<u>Budget Amendment -</u>	Parks & Rec. Dept. for Hillcrest Parenting Program.	203
<u>Byrd, Calvin L. -</u>	Claim against City.	205
<u>Budget Amendment -</u>	Community Development Fund Budget - Pine Street Improvements	213
<u>Bear Creek Road Railroad Crossing -</u>	agreement with N.C. DOT re signals and gates at this railroad crossing.	213
<u>Brooklyn Road -</u>	ordinance to demolish 135 Brooklyn Road - hearing scheduled, page 214; hearing and 1st reading, page 239; 2nd reading, page 249; 3rd reading, page 254.	264
<u>Bishop, Ralph -</u>	comments relative to lottery sales and downtown mall proposal	217

<u>Budget Amendment</u> - Relative to appropriate money for the continuous on-site supervision provided during the construction of the library.	277
<u>Budget Amendment</u> - Relative to change orders for completion of Airport Runway Extension Project.	277
<u>Bids</u> - to install ballfield lighting system at Montford Recreation Complex	278
<u>Bids</u> - for bulk sodium chloride (rock salt) for snow and ice control	278
<u>Buncombe County Democratic Executive Committee</u> - request granted for the waiving of Sections 25-5 and 25-6 of the Code of Ordinances for the City-County Plaza on October 11, 1980 from 3 to 7 p. m.	278
<u>Bishop, Ralph</u> - comments relative to lottery laws and city records	279
<u>Budget Amendment</u> - for Grant Programs CETA Budget for Fiscal year 1980-81	281
<u>Bids</u> - for 100 traffic model fire hydrants	282
<u>Bishop, Ralph</u> - comments relative to the Chief of Police Fred Hensley	283
<u>Budget Amendment</u> - City of Asheville Community Development Fund Budget - West Asheville Street and Drainage Project	286
<u>Budget Amendment</u> - City of Asheville Annual Operating Budget - Lexington Avenue	286
<u>Budget Amendment</u> - City of Asheville Grants Program Budget - CETA Funds	287
<u>Budget Amendment</u> - City of Asheville Grants Program Budget - CETA Funds	288
<u>Buncombe County Board of Commissioners</u> - agreement for an amendment to the CETA Grant Agreement for fiscal year 1980-81	288
<u>Bartlett Street</u> - Closing a portion of this street at the request of the Housing Authority.	289
<u>Biltmore Professional Center Office Building</u> - Site plan for this building at Reed and Yorkshire Street - hearing scheduled, page 289- hearing held, page 299 .	289
<u>Bishop, Ralph</u> - comments relative to lottery sales and city records	291
<u>Budget Amendment</u> - City of Asheville Annual Operating Budget - Purchase Orders Outstanding	294
<u>Ballard Property</u> - report relative to Ballard property on Hendersonville Road annexation vs. taxes	295
<u>Byers, J. W.</u> - reappointed a member of the City of Asheville Board of Alcoholic Control	298
<u>Bishop, Ralph</u> - comments relative to Police Department	301

<u>Blue Briar Road</u> - Resolution of intent to change the name of a portion of Mayflower Road and Blue Briar Road. Hearing scheduled page 246	
<u>Bids</u> - Approval received August 11, 1980 for one Greensmower for the Municipal Golf Course	
<u>Bele Chere</u> - Resolution of appreciation to the promoters and participants	247
<u>Barrett, Michael</u> - claim against the city	247
<u>Bishop, Ralph</u> - Lottery Sales - obtaining city records	248
<u>Budget Amendment</u> - Community Development Fund Budget	250
<u>Budget Amendment</u> - Annual operating budget for fiscal year 1980-81 - downtown mall study	250
<u>Budget Amendment</u> - Annual operating budget - salary and wages	251
<u>Bishop, Ralph</u> - Lottery sales - obtaining city records	253
<u>Budget Amendment</u> - City general capital projects budget - safety to life	259
<u>Bids</u> - Approval for tennis court and ballfield fencing	260
Approval to construct asphalt tennis courts	260
<u>Blackwell, Curtis R.</u> - Legal assistance provided to city employee	261
<u>Bishop, Ralph</u> - Comments relative to Blue Ridge Mental Health Agreement Lottery sales	261
<u>Blue Briar Road</u> - Resolution changing the name of a portion of Mayflower Road to Blue Briar Road.	264
<u>Bulter Associates, P. A.</u> - agreement relative to downtown inspections	265
<u>Boland, Councilman</u> - requested information on garbage collection	266
<u>Bishop, Ralph</u> - comments relative to town meeting on water proposals - lottery sales.	267
<u>Boland, Councilman</u> - request to proclaim October as Asheville Symphony Week	272
<u>Bids</u> - acceptance of bids for 10,000 board feet bridge decking timbers to repair Hazel Mill Bridge	272
<u>Bishop, Ralph</u> - comments relative to Sullivan Act	273
<u>Burke, Edward, Jr.</u> - comments relative to water rates	273
<u>Butler Associates Report</u> - Letter from Bill Frue relative to this	274

<u>Budget Amendment</u> - 1980-81 Annual operating budget - furnace at the Valley Street Facility	365
<u>Budget Amendment</u> - Asheville Downtown Commercial Complex.	379
<u>Boland</u> - Announcement by Councilman Boland of the death of Ex-City Councilman Ruben J. Dailey.	384
<u>Budget Amendment</u> - Consideration given to budget amendment amending the City of Asheville annual operating budget for fiscal year 1980-81.	384
<u>Budget Amendment</u> - Consideration given to a budget amendment amending the Grant Programs budget for fiscal year 1980-81.	385
<u>Boland</u> - Councilman Boland commented on joint planning venture with the County of Buncombe.	387
<u>Brownlee</u> - Councilman Brownlee requested Discussion of retired police pension plan.	387
<u>Babb, Jack</u> - claim against city	387
<u>Boland, Francis</u> - claim against city	387
<u>Beachboard, Grady</u> - claim against city	387
<u>Budget Amendment</u> - Water and Sewer Services, 1980-81.	390
<u>Budget Amendment</u> - Creation of Department of Economic Development	391
<u>Budget Amendment</u> - Annual operating budget - purchase of police cars	391
<u>Bishop, Ralph</u> - comments relative to Chief Hensley	394
<u>Brief Ceremony</u> - Release of Hostages in Iran.	395
<u>Budget Amendment</u> - Consideration given to a budget amendment amending the City of Asheville Grants Program Budget for 1980-81.	399
<u>Burton Street, Reid, and Shiloh Recreation Centers</u> - Resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the Use of Centers.	399
<u>Bishop, Ralph</u> - comments relative to lottery sales in Asheville	402
<u>Budget Amendment</u> - City of Asheville Community Development Fund budget Senior Citizens Service Project - Senior Opportunity Center	403
<u>Budget Amendment</u> - City of Asheville Community Development Fund Budgets for the 2nd and 3rd year Community Development Block Grant	403

"B" (cont'd)

<u>Budget Amendment</u> - Water Major Capital Improvements Fund Budget - French Broad River 24-inch Water Line Project.	304
<u>Buncombe County Council on Aging</u> - authorizing Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.	304
<u>Ballard, Rex</u> - comments relative to annexation vs. taxes	306
<u>Bishop, Ralph</u> - comments relative to lottery sales	306
<u>Bishop, Ralph</u> - comments relative to enforcement of city laws	321
<u>Bartlett Street</u> - closing of a portion of Street	307
<u>Biltmore Avenue</u> - closing of unnamed alley off Biltmore Avenue for St. Joseph's Hospital.	309
<u>Budget</u> - ordinance summarizing and ratifying all budget amendments approved through September 30, 1980	309
<u>Buncombe County</u> - Lease agreement with this government for parking lot (Ward 1, Sheet 1, Lot 249)	310
<u>Budget Amendment</u> - for allocating funds for unemployment compensation for FY 1979-80	310
<u>Bolick, Carrie B.</u> - claim against the city	312
<u>Best, Annie</u> - claim against the city	312
<u>Bishop, Ralph</u> - comments relative to Police Dept.	312
<u>Budget Amendment</u> - allocating funds for UMTA Capital Grant Project for the Asheville Transit Authority.	315
<u>Budget Amendment</u> - to provide additional funds to cover contract bid price for the Eagle Street Improvement/UDAG project.	323
<u>Bridge Inspections</u> - Agreement with N.C.DOT for bridge inspections	323
<u>Bible Week</u> - Proclamation for week of November 23 - 29, 1980	324
<u>Bishop, Ralph</u> - comments relative to corruption in the Asheville Police Dept.	324
<u>Budget Amendment</u> - Water and Sewer operating Budget.	336
<u>Balsam Avenue</u> - Status Report CUL-DE-SAC	345
<u>Bishop, Ralph</u> - This person made comments relative to redress of council	348
<u>Budget Amendment</u> - Annual operating budget (80-81) Evaluation of the Chestnut Street Viaduct.	361

<u>Budget Amendment</u> - 198081 Annual Operating Budget	431
<u>Budget Amendment</u> - City of Asheville Annual operating Budget for 1980-81	438
<u>Bids</u> - Resolution No. 81-44 - accepting the high bid and authorizing the sale of City property, known as Starmount Drive property	439
<u>Burton Street</u> - Closing - Public Hearing	445
<u>BURTON STREET</u> - Resolution 81-53 - To close a portion of Burton Street	445
<u>Bids</u> - received March 12, 1981 to demolish existing structures on property known as the E. Ted Linn Property and/or the purchase of various personal property therein.	449
<u>Bingham Road Area</u> - consider annexation - Resolution No. 81-64	454
<u>Budget Amendment</u> - Community Development Fund Budget	458
<u>Budget Amendment</u> - City of Asheville Community Development Fund Budget	469
<u>Bingham Road Area</u> - Resolution No. 81-78 - extension of City Services into the area proposed for annexation	473
Bishop, Ralph - Comments relative to former Police Chief J. C. Hall's Pension	504

<u>Budget Amendment</u> - City of Asheville annual operating budget for year 1980-81 Supplemental annuity fund for retired city employees.	404
<u>Buncombe County Delegation</u> - resolution requesting the Buncombe County delegation to the North Carolina General Assembly to support an amendment to Chapter 802 of the 1971 Session Laws concerning financial support of the Buncombe County Board of Tax Supervision.	404
<u>Buncombe County and City of Asheville Services</u> - resolution requesting the Institute of Government Study organizational approach to consolidation of services.	404
<u>Boy Scout</u> - recognition of John Morris earning Merit Badge	407
<u>Bishop, Ralph</u> - Redress of Council concerning lottery sales	407
<u>Budget Amendment</u> - General capital projects fund - Motor Pool Facility	410
<u>Budget Amendment</u> - General capital Projects fund - Motor Transport Facility	410
<u>Budget Amendment</u> - Water and Sewer services operating fund budget, fiscal year, Mail Insertion Equipment.	410
<u>Bishop, Ralph</u> - difficulty in obtaining city records regard lottery sales	411
<u>Budget Amendment</u> - consideration given to budget amendment amending the General Capital Projects Budget. (Entrance Ramp at City hall)	413
<u>Budget Amendment</u> - Consideration given to a budget amendment amending the City of Asheville Community Development Fund Budget	414
<u>Budget Amendment</u> - City of Asheville annual operating budget 1980-81.	414
<u>Brock, Claude</u> - Letters of Sympathy requested for families of Mayor Roy Penley and Claude Brock, former members of Zoning and Planning Commission.	416
<u>Black History Month</u> - Proclamation of month of February, 1981	416
<u>Budget Amendment</u> - City of Asheville General Capital Projects Fund	417
<u>Bus Grant Application</u> - announcement of approval	418
<u>Bids</u> - One (1) Fire Apparatus - 1000 GPM Pumper	420
<u>Bishop, Ralph</u> - Comments relative to seeking redress from Council	422
<u>Budget Amendment</u> - City of Asheville General Project Fund	427
<u>Bishop, Ralph</u> - Right to seek redress from Council	429
<u>Bishop, Ralph</u> - Seeking redress of Council - Seeking City records	435

<u>CP&L - Mayor authorized to sign an easement with this company to provide electrical services to the FAA facilities at the Asheville Regional Airport.</u>	81
<u>Caldwell, Wayne - This person presented Council with a letter requesting funds for Save Downtown's Asheville's investigation of a revitalization plan.</u>	81
<u>City Street, Un-Named in West Asheville - Hearing date set - page 84; hearing and closing - page .</u>	
<u>Civic Center - Adjustment in the rental rate structure.</u>	88
<u>Claim - discussion relative to claim of Mrs. Ramsey brought up by Councilwoman Price.</u>	100
<u>Charlotte-Poplar Street Sidewalks - contract for this project awarded to Warren Brothers Company</u>	136
<u>Civic Center - bids accepted for folding tables and chairs</u>	137
<u>Champion Contracting Company - authorized change order No. 8 for project known as Site Preparation for 1,500' Runway and Taxiway Extension at the Asheville Regional Airport.</u>	137
<u>"Cool Green Asheville Project" - budget amendment for this project</u>	138
<u>Carr, Mr. Bob - appointed a member of the Asheville-Buncombe County Community Relations Council.</u>	143
<u>County of Buncombe - execution of boundary line agreement between the City of Asheville and County of Buncombe for property owned by the City and the County and leased to the State Highway Patrol Offices.</u>	144
<u>Coffey, Gary Cooper - r/w agreement with this person for water line on American Way and Rash Road.</u>	156
<u>Clayton Street - rezoning of property located on Clayton Street hearing scheduled, page 157; hearing and 1st reading, page 178; 2nd reading, page 200; 3rd reading, page 212 .</u>	157
<u>Civic Center Commission -reappointment of Mrs. Barbara Keleher</u>	158
<u>Civic Center Commission -reappointment of Mr. Marvin Chambers</u>	158
<u>Chambers, Mr. Marvin - reappointed to the Civic Center Commission</u>	158
<u>Comprehensive Employment Training Act Funds - application made to Buncombe County Employment and Training Office for CETA Funds for 1980-81.</u>	158
<u>CETA Funds - discussion of prime sponsor</u>	174
<u>Civil Service Commission (U.S.)- grant for training program for affirmative action</u>	173

<u>Community Development</u> - public hearing relative to Sixth Year C. D. Application	6
<u>Cloyes Street</u> - property rezoned at the corner of Haywood Road and Cloyes Street for Morton Distributing Company	6
<u>Chamber of Commerce</u> - agreement entered into for an office/corporate feasibility study to be done by the FANTUS Company	10
<u>Community Development</u> - approving submission of the application for the Community Development Sixth Year Block Grant Entitlement funds - 1980-81	20
<u>Courtright, Christine</u> - claim against the City	21
<u>Community Development Fund Budgets</u> - budget amendment amending the City of Asheville First, Second, Third, Fourth, and Fifth Year Community Development Fund Budgets.	25
<u>Community Development</u> - Submission of an application authorized to the N. C. Department of Natural Resources and Community Development for the Community Development - Urban Development Action Grant Program.	34
<u>Clean Community System</u> - Mrs. Jean Webb and Mrs. Bess Baird gave a progress report on same.	37
<u>Caldwell, Wayne</u> - This person extended an invitation to Council to tour the Lexington Avenue and Broadway Area.	42
<u>Cummings, Charles and Jeanne</u> - Mayor authorized to sign right-of-way encroachment with these people for the purpose of constructing a sewer line on Brooklet Street.	46
<u>Central Asheville Association</u> - Resolution from this association relative to the proposed downtown mall complex.	48
<u>Clean Sweep Month</u> - Month of April, 1980.	51
<u>Check</u> - A check in the amount of \$9,100 was presented to Council by Gene Ochsenrieter for use in the Strouse-Greenberg feasibility study for downtown mall.	58
<u>Caldwell, Wayne</u> - This person had questions relative to the money used in the Strouse-Greenberg feasibility study for downtown mall.	60
<u>City Council</u> - Invitation extended to Council for reception relative to Volunteers on April 24, 1980.	66
<u>Caldwell, Wayne</u> - This person said that Save Downtown Asheville is ready to present their alternate plans to the Strouse-Greenberg proposal.	67
<u>Charlotte Street, 80</u> - A sign permit was approved for Naegele Sign Company at this address.	74
<u>Customer Services & Collections Division</u> - Mayor authorized to sign a lease with the Burroughs Corporation for computer equipment and operating software in this Division in the Water & Sewer Services Department.	80

Champion Contracting Company - authorizing execution of Change Orders 9, 10, and 11

City-County Plaza - waiving of Sections 25-5 and 25-6 of the Code for the
City-County Plaza on October 11, 1980 from 3 to 7 p. m. for Buncombe
County Democratic Executive Committee

~~Report XXXX claims against the cityXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

"C"

<u>Community Development</u> - ordinance establishing the sixth year community development block grant entitlement as a capital project for the City of Asheville	188
<u>Community Development</u> - approval of budget amendment to provide funds for street and sidewalk improvements, water and sewer improvements and resurfacing on Eagle Street	188
<u>Corbin, J. V.</u> - complained to Council relative to sewer problems in Reed Creek (UNC-A vicinity) prohibiting him from developing property	190 191
<u>Certificate of Conformance</u> - Recognition for achievement of L. Fisher/Finance Dept.	192
<u>Conformance, Certificate of</u> - Recognition for achievement of L. Fisher/Finance	192
<u>Carolina, Power & Light Co.</u> - Agreement with for power to pumping station.	204
<u>Chestnut Street Bridge</u> - Agreement for evaluation services w/Talbert, Cox & Assoc.	204
<u>Census 1980</u> - Report of preliminary report by City Manager.	205
<u>Corporation Counsel</u> - Legal opinion regarding transport of nuclear wastes.	209
<u>Community Development Fund Budget</u> - budget amendment relative to Pine Street improvements.	213
<u>Cablevision</u> - Request by Councilman Wilkes for City Manager to look into complaint by Rev. O. T. Toms relative to cablevision	216
<u>Chapman, Gary L.</u> - claim against the city	216
<u>Community Development Fund Budget</u> - budget amendment relative to West Asheville street and drainage project	234
<u>Civic Center Commission</u> - resolution appointing members	237
<u>Civic Center Roof</u> - budget amendment - City of Asheville annual operating budget for 1980-81	238
<u>Carter, Josephus</u> - claim	238
<u>Cool Green Asheville</u> - Budget amendment regarding annual operating budget 1980-81	243
<u>Carolina Power and Light Company</u> - resolution authorizing the execution of a contract for lighting within the Akzona Project Area	245
<u>Cox, Mike</u> - Resolution authorizing Mayor to execute agreement for architectural services, Hearing held, pg. 335	260
<u>Circus Week</u> - Proclamation - March 9 - 15, 1981	434
<u>Catholic School Week</u> - Proclamation - Week of March 9, 1981	434

<u>Community Development - budget amendment - for West Asheville Street and Drainage Project</u>	286
<u>Choctaw Street - resolution relative to the sale of property on Choctaw Street to Rev. Wesley Grant.</u>	287
<u>CETA Funds - Budget amendment - City of Asheville Grants Program Budget - CETA Funds</u>	287
<u>CETA Funds -Budget Amendment - City of Asheville Grants Program Budget - CETA Funds</u>	288
<u>CETA - amendment to the existing agreement with the Buncombe County Commissioners relative to the federal grant under the CETA Act for fiscal year 1980-81</u>	288
<u>Civic Center - Logan Construction Company awarded contract for the project known as Asheville Civic Center Exterior Wall Tuck Pointing.</u>	295
<u>Choctaw Street - Councilman Wilkes reported transfer trucks parked on Choctaw Street</u>	295
<u>City of Asheville Board of Alcoholic Control Board - appointment of J. W. Byers as a member of the Board</u>	298
<u>Crime Against the Elderly Prevention Month - Proclamation for month of November</u>	305
<u>City Building - agreement with John J. Short, Sr. for the operation of a snack shop in the City Building.</u>	310
<u>Council Meetings - cancelled for November 27, 1980 - December 25, 1980 and January 1, 1980</u>	311
<u>Chamber of Commerce - agreement with the Asheville Area Chamber of Commerce for participation in the 1981 Western North Carolina Golf Club.</u>	315
<u>Cinnamon Ridge Apartment Complex - site plan for proposed project - hearing scheduled page 316 - hearing held, page 349 . Hearing continued, pg. 381</u>	
<u>Cassidy, Lois - claim against the city</u>	317
<u>Community Development Fund Budget - Budget Amendment to cover contract bid price for the Eagle Street Improvement/UDAG project.</u>	323
<u>Coutlakis, Joyce - Claim against City.</u>	336
<u>Consent Agenda - Approval</u>	345
<u>Chestnut Street Viaduct - Budget Amendment, annual operating budget (80-81) Evaluation of the Chestnut Street Viaduct.</u>	361
<u>Consent Agenda - Approval</u>	362
<u>Carter, W. W. - claim against the city</u>	365
<u>Capital Construction Fund - ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance. Hearing and 1st reading, pg 385</u>	
<u>Consent Agenda - approval</u>	385

"C"

<u>Community Development Fund Budget - budget amendment re: Incentive Housing Program</u>	222, 235
<u>CETA funds -contract with Buncombe County Commissioners re: CETA funds for FY 80-81</u>	223
<u>City Council - Resolution establishing rules and procedures</u>	246
<u>Community Development - Announcement of public hearings</u>	246
<u>Cablevision - Presentation by John Jerose, Thoms Cablevision</u>	247
<u>Caldwell, Wayne - Save Downtown Asheville - Comments Re: Inspection of buildings downtown</u>	248
<u>Community Development Fund Budget - Budget amendment</u>	250
<u>Computer System Services, Inc. - resolution authorizing the Mayor to sign contracts</u>	252
<u>Caldwell, Wayne - appointed to Asheville-Buncombe Historic Resources Comm.</u>	252
<u>Cort, John - budget amendment - safety to life</u>	259
<u>Cole, Councilman - comments re: "Town Meeting" - Water meeting</u>	266
<u>Constitution Week - Proclamation for week of September 17-23, 1980</u>	266
<u>Civil Service Rule Change - amendment to Civil Service Rule No. 4 - hearing scheduled, page 267, hearing rescheduled, page 275; hearing held, page 280 .</u>	
<u>Charlotte Street - closing of a portion of street on 9/13/80 from 9-5 p. m.</u>	267
<u>Corporate Limits - annexation of remaining portion of Regent Park</u>	268
<u>Civic Center Parking Garage - ordinance restricting use of the Civic Center Parking Garage to patrons of said facility.</u>	269
<u>Court Cases - Motion to have court cases examined relative to zoning matters</u>	272
<u>Community Development Application - Public hearing relative to amendment to Sixth Year Application - hearing scheduled page 275, hearing held, page 284 .</u>	275
<u>Cinnamon Ridge Apartment Complex - announcement that this complex will be reviewed by the Planning and Zoning Commission.</u>	275
<u>CETA Grant - budget amendment for grant program for CETA budget for Fiscal Year 1980-81</u>	281
<u>Chaney, James - claim against the city</u>	283
<u>Carolina Power and Light Company - group development approval - Filed Facilities Building - hearing scheduled, page 283 - hearing held, page 285 .</u>	283
<u>Collins, Howard - claim against the city</u>	283

<u>Claims</u> - H. C. Wilkes, - Mr. & Mrs. Johnny May	429
<u>Claims</u> - Easter J. Browning, Michael D. Forkin, Mrs. Frankie Calhoun, Elimina Inman, Dawn Lantzis	443
<u>Caldwell, Wayne</u> - Comments relative to Asheville Downtown Commercial Complex - Strouse-Greenberg	443
<u>Cooperation Agreement</u> - Resolution No. 81-81 - authorizing the execution of	450
<u>Cooperation Agreement</u> - Resolution No. 81-62 - authorizing the execution of	451
<u>Claims</u> - Mrs. F. M. Owens, Phil Hamby, Howard Lyda	451
<u>Chunns Cove Area</u> - Resolution No. 81-63 - consider annexation	454
<u>Claims</u> - Wayne Justice, Timothy Taylor, Howell Clinkscale, Elma Blake	462
<u>Community Development Fund Budget</u> - Budget Amendment	458
<u>Clean Sweep Month</u> - Presentation by Quality Forward	463
<u>Clingman Avenue</u> - Public Hearing - rezoning property north of	467
<u>Community Development Fund Budget</u> - Budget Amendment	469
<u>City Hall Parking Expansion Project Area</u> - Resolution No. 81-75 - Authorizing condemnation of property	469
<u>Claims</u> - Julius C. Buchanan, First Union National Bank, Wayne Rice, Louise Bell Hudgen	471
<u>Chunns Cove Area</u> - Plan for extension of city services into the area proposed for annexation	479
<u>Claims</u> - Dorma Rainey, Robbie Mae Thomas, Maude Thomas	504

"C"

<u>Clemmons, J. N.</u> - claim against city	387
<u>Canter, H. J.</u> - claim against city	387
<u>Consent Agenda</u> - Approval	391
<u>Cammaroto, Hermine, Ms.</u> - claim against city	394
<u>Cebren P. Fisher</u> - Resolution consenting to the assignment of lease agreement of Recreation Park by Johnson Amusement Rides, Inc. to Cebren P. Fisher.	400
<u>Consent Agenda</u> - approval	400
<u>Community Development Fund Budget</u> - Budget amendment	403
<u>Community Development Fund Budgets</u> - Budget Amendment	403
<u>Community Block Grant</u> - Budget Amendment	403
<u>Certificate of Appointment</u> - Housing Authority of the City of Asheville Phillip F. Crouch	404
<u>City and County Recreation Advisory Boards</u> -resolution authorizing a plan for merger of the two boards.	405
<u>Consent Agenda</u> - approval	405
<u>Certik, Ethyle H.</u> - claim against city.	406
<u>Children's Dental Health Month</u> - Month of February	406
<u>Consent Agenda</u> - approval	411
<u>Creighton, Norma</u> - claim against city	411
<u>Community Development Fund Budget</u> - Budget Amendment	414
<u>Consent Agenda</u> - approval	414
<u>Community Development</u> - Public Hearing - Application and Housing Assistance Plan	419
<u>Community Development</u> - Resolution No. 81-33 - Resolution Authorizing Submission of an application to the Department of Housing and Urban Development for Community Development Block Grant Entitlement Funds 1981-82	419
<u>Claims</u> - Nancy Alexander, Mary Patterson-Jefroy Davidson, Myra Bonner, Edith Middleton	421
<u>Claims</u> - E. J. Guthrie, Bobby Fowler, Flynt Knit, Inc. Gloria Ashe, T. Cunningham	434

Claims

William P. Treusch	158
Peggy Holland Ramsey	158
Mary Ann Noblett	158
Carl McIntosh	158
Billy E. Franks	158
Janice Mitchell Harrell	205
William M. Lunsford	205
Dorothy M. Sexton	205
Calvin L. Byrd	205
James M. Garner	224
Dewey C. Rhoden	224
Buncombe County Enterprises	224
Dewey Kasey	224
Nora Dill	238
David R. Page	238
Herman Kessler	238
Josephus Carter	238
Jack Pruitt	247
Wm. P. Treusch	247
Southern Bell	247
Whitney Smith	247
Michael Barrett	247
Arba Mae Plemmons	252
Helen B. Averett	261
Jennifer D. Self	261

"Claims"

Wendall Blair	4	J. T. Rice	66
Marvin Brewer	4	Maria Blount	66
Beverly J. Atkins	4	F.B. & H. Company	78
John E. Willard	4	Barbara O. Hatchett	78
Ronald Earl Bridges	4	Francis G. Justus	78
Thomas C. Logan	13	George Holmes	78
Mabeline Hagan	13	John James Dawes	78
Lenora Fields	13	W. F. Krickhan	85
David A. Guthrie	13	Donald Green	85
Mary K. Arakas	13	Judy S. Hummell	85
C. D. Hamilton	13	Jean Lance	93
Ralph Uzzell	13	Donna Lynn May	93
Archie Smith, Jr.	21	Mr. & Mrs. Fred Sprinkle	93
Christine Courtright	21	Sandra Hyldborg	93
Ruth Rotowitz	21	Raymond Hightower	93
Brownloe W. Reeves	21	Jackie Praytor	100
Roy R. Dickerson, III	21	Joe Anthony Wynn	100
Colene Rookard	50	John D. Davis, Jr.	100
Charles A. Hensley, Jr.	50	Claude Hayden	100
Dorothy Dean	50	Rosa Lee Bailey	145
Archie Smith	50	Donald Green	145
T. L. Gragg	50	Shelia Teague	145
W. M. Newton	50	J. O. Thompson	145
Rickey D. Buckner	55	Richard A. Barcelou	145
Colene Rookard	55	Memorial Mission Hospital	145
Carrie Johnson	66		

CLAIMS

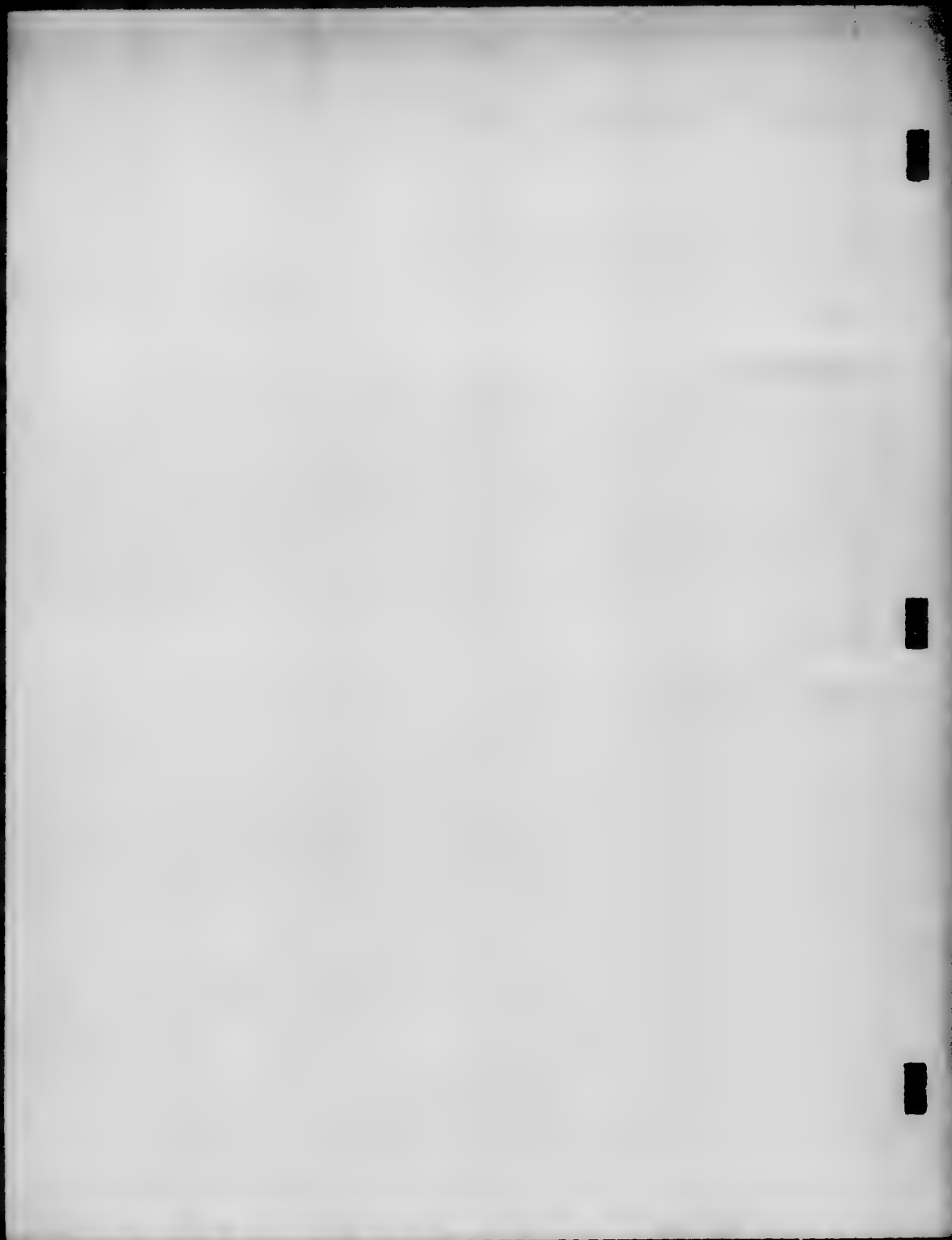
Parker, Sherry	394	E. J. Guthrie	434
Fletcher, Lottie Jean	394	Bobby Fowler	434
Mitchell, Freddie	394	Flynt Knit, Inc.	434
Cammaroto, Ms. Hermine	394	Gloria Ashe	434
Pickelsimer, Charles	394	T. Cunningh	434
Paponetti, Ms. Janet	394	Easter J. Browning	443
Little, Jackie	394	Michael D. Forkin	443
Jones, Ozella	394	Mrs. Frankie Calhoun	443
Mitchell, Nell	401	Elimina Inman	443
Noblett, C. A.	401	Dawn Lantzis	443
Kilby, Rhonda	406	Owens, Mrs. F. M.	451
Styles, Buddy C.	406	Hamby, Phil	451
Certik, Ethyle H.	406	Lyda, Howard	451
Hennessee, Derek	406	Justice, Wayne	462
Rodier, Mike	411	Taylor, Timothy	462
DuMont, Harry, Mrs.	411	Clinkscale, Howell	462
Creighton, Norma	411	Blake, Elma	462
Asheville Concrete	418	Buchanan, Julius C.	471
Ruff, Phillip	418	First Union National Bank	471
Demetris, Jacob	418	Wayne Rice	471
Nancy Alexander	421	Hudgen, Louise Bell	471
Mary Patterson	421	Rainey, Dorna	504
Jefroy Davidson	421	Thomas, Robbie Mae	504
Myra Bonner	421	Thomas, Maude	504
Edith Middleton	421		
Wilkes, H. C.	429		
May, Johnny (Mr. & Mrs.)	429		

"Claims"

Johnny L. Austin	216	Yoder, Robert	305
Donna C. Jackson	216	Watkins, Ernest	305
Kathleen Garren	216	Jenkins, S. E.	305
Geraldine Austin	216	Bolick, Carrie B.	312
Mary Lou Hammonds	216	Best, Annie	312
Hazel Young	216	Cassidy, Lois	317
Gary L. Chapman	216	Tauber, Barbara	324
Leonard E. Hare	266	Ferguson, Mrs. James	324
Larry B. DeWeese	266	Coutlakis, Joyce	336
Robert Hickerson	266	Hill, Edward	336
Glen Davis	274	United Parcel Service	347
James D. Williamson	274	Walsh, Mrs. W. C.	347
Scolmia S. Rice	274	White, Ivery	347
Walter Beale Fletcher	274	Love, Moultrie	347
Mary Robinson	274	Carter, W. W.	365
Mary Hardy	274	Higginbotham, Grace	365
W. D. Krisher	278	Meade, Donnie	365
Psychos, John	283	Lawson, Ted	365
Wilson, Ann W.	283	Babb, Jack	387
Davis, Howard H.	283	Boland, Francis	387
Collins, Howard	283	Almendinger, Randy C.	387
Southerland, Patricia	283	Beachboard, Grady	387
Chaney, James	283	Rothrock, C. W.	387
Summey, J. D.	291	Clemmons, J. N.	387
Glenn, A. J., Sr.	291	Sloan, Victor	387
Simkins, Lillie Mae	301	Evans John	387
		Canter, H. J.	387

<u>Developments - ordinance to require developments within 3-mile radius of City to petition to be annexed into City prior to being granted a tap permit to the City of Asheville Water System.</u>	215
<u>Downtown Mall - Strouse-Greenberg Downtown Proposal discussed,</u>	216, 217
<u>DeBartolo Corporation - presented request for annexation into the City of Asheville for proposed regional mall.</u>	225
<u>Dill, Nora - claim</u>	238
<u>Downtown - Resolution authorizing a permanent, non-metered on-street parking program and study of parking district</u>	244
<u>Downtown - Wayne Caldwell - save downtown Asheville - Comments Re: inspection of buildings</u>	248
<u>Disposal Parcels - Sale - East Riverside Renewal Project</u>	250
<u>Downtown Mall Study - Budget amendment - annual operating budget for fiscal year 1980-81</u>	250
<u>Duckworth, Mr. William T. - appointed to Zoning Board of Adjustments</u>	250
<u>Deaverview Park - Approval of bids to construct asphalt tennis courts</u>	260
<u>Deaverview - Ballfields in need of repair</u>	260
<u>Daniel Construction Company - Resolution authorizing Mayor to sign contract</u>	261
<u>Downtown inspections - agreement with Butler Associates, P. A.</u>	265
<u>DeWeese, Larry B. -claim against the city</u>	266
<u>Disposal Parcels - approval of sale of parcels in East Riverside Project (Parcels 134, 167-168, 202, 203, 207, 210)</u>	270
<u>Davis, Glen - claim against the city</u>	274
<u>Downtown Inspections - Letter from Bill Frue, Chairman of Planning and Zoning re: Butler Associates Report of 9/10/80.</u>	274
<u>Davis, Howard H. - claim against the city</u>	283
<u>Disposal Parcels - East Riverside Renewal Project - approval of sale of disposal parcels 104 and 173</u>	303
<u>Downtown-Lexington Avenue -UDAG Grant - Hearing to be held by the Planning Department.</u>	316
<u>Downtown-Lexington Avenue - UDAG Grant - Hearing to be held by the Council Hearing held, pg. 330, 1st reading, 335, 2nd reading, pg. 3rd reading, pg.</u>	317
<u>Dailey, Ruben J. - Announcement of his death by Councilman Boland.</u>	384

<u>Demolitions (Downtown)</u> - prohibiting demolitions downtown during the week before Thanksgiving through the first week in January- hearing scheduled, page 11; hearing and 1st reading, page ; 2nd reading, page ; 3rd reading, page	11
<u>Dickerson, Roy R., III</u> - claim against the City	21
<u>Disposal Parcels</u> - Approval of the sale of several disposal parcels in the East Riverside Renewal Project area were approved.	37
<u>Dean, Dorothy</u> - A claim was received by this person.	50
<u>Dillingham, Rick</u> - This person from Mitchell Distributing Company had some questions on bid procedures.	51
<u>Days of Remembrance of Victims of the Holocaust</u> - Mayor proclaimed the days April 13-19, 1980 as such.	60
<u>DeBruhl, William</u> - Was presented with Certificate for completing the Water Treatment Plant Design course at the University of Florida.	64
<u>Daves, John James</u> - A claim was received by this person.	78
<u>Davis, Mr. John D., Jr.</u> - claim against the City	100
<u>Downtown Area</u> - Notification to apply for grant from Appalachian Regional Commission relative to the downtown area.	145
<u>Disposal Parcel 119</u> - sale of approved- East Riverside Renewal Project	161
<u>Downtown area</u> - declaring certain holidays as free parking days for downtown Asheville	162
<u>Drew, James H. Amusement Company</u> - agreement with this company for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.	163
<u>Disposal Parcels</u> -East Riverside Redevelopment Project - approval of sale of lots 204, 205, and 206 to Home Builders Association of WNC.	173
<u>Downtown Improvements</u> - application for funds from Appalachian Regional Commission in support of downtown access and water, sewer, and drainage improvements.	188
<u>Downtown Historic District</u> - Acceptance of grant from NC Dept. of Archives for facade improvements to certain building in this district.	204
<u>Drainage Problem</u> - Report of - L. F. Gracey, Jr., Sunset Mountain.	205
<u>Disposal Parcels</u> - East Riverside Renewal Project - approval of sale of lots 64, 65, 120, 121, 142, 170, 182, 193 to various buyers.	203
<u>Dabney, Thomas F.</u> - appointed by resolution to the Asheville Tree Commission	237



<u>Downtown Development Project Area - Announcement by City Manager of selection of firm to analyze downtown Development Project Area</u>	387
<u>Dailey, Ruben J. - resolution in memory of.</u>	388
<u>Department of Economic Development - Budget amendment - annual operating budget creation of Department of Economic Development.</u>	391
<u>DeBARTOLO MALL - Comments relative to proposed Mall on Biltmore Estate</u>	394
<u>Depot Street</u> - Resolution directing the AHA, acting in its capacity as a redevelopment commission, to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the area described herein (Depot Street).	402
<u>Deerwood Condominiums - public hearing</u>	408
<u>DuMont, Harry, Mrs. - claim against city</u>	411
<u>Demetris, Jacob - claim against city</u>	418
<u>Duyck, B. E. - letter relative to request for pension subsidy.</u>	418
<u>Drought Conditions Ordinance No. 1203 to regulate the use of water during drought conditions</u>	421
<u>DEPARTMENT OF TRANSPORTATION - Resolution No. 81-55 filing of application with DOT for grant under the Urban Mass Transportation Act of 1964</u>	447

<u>East Riverside Renewal Project</u> -approval of sale of Disposal Parcel 119	161
<u>East Riverside Renewal Project</u> - approval of sale of disposal parcels 204, 205, and 206 to Home Builders Assn. of WNC.	173
<u>Employee Services</u> - grant funds applied for from U. S. Civil Service Commission for training program in affirmative action.	173
<u>Encroachment Agreement</u> - with N.C. DOT for a sewer line replacement on N.C. 81	172
<u>Encroachment Agreement</u> - with N.C. DOT for a water line on Highway 19-23	172
<u>East Riverside Renewal Project</u> - Approval of sale of Disposal Parcels 64,65,120, 121 142,170,183, and 193.	-203
<u>Engineering Services</u> - Contract for w/CP & L for pumping station, Sweeten Creek Rd.	204
<u>Engineering Services</u> - Funds authorized for engineering services - Six Assoc., S. Pack Plaza Project.	204
<u>Eagle St.</u> - Authorization of requests for proposals for architectural services for YMI Building on this street.	204
<u>Engineering Services</u> - Evaluation of Chestnut St. Bridge - Talbert, Cox & Assoc., Inc.	204
<u>Executive Session</u> - Council went into executive session to discuss acquisition of real property.	214
<u>Elrod, Mrs.</u> - problems being caused by developer's use of Michigan Avenue and State Street as access to property rezoned Light Industrial	233
<u>Emma</u> - request for study regarding rezoning air park property	238
<u>Eagle and Spruce Street</u> - resolution authorizing the city manager to execute sales contract for purchase of property	244
<u>East Riverside Renewal Project</u> - Sale of disposal parcels	250
<u>East Riverside Renewal Project</u> - sale of disposal parcels 134, 167-168, 202, 203, 207, 210	270
<u>Eller, Earl W.</u> - resolution in memory of	276
<u>East Riverside Urban Renewal Project</u> - Discussion relative to minority business proposed by Mr. James Green	279
<u>East Riverside Urban Renewal Area</u> - resolution supporting minority business development in the East Riverside Urban Renewal Area for Mr. James Green	281
<u>East Asheville Youth, Inc.</u> - r/w agreement with East Asheville Youth, Inc. for parcel of land on which to construct a pump station.	281

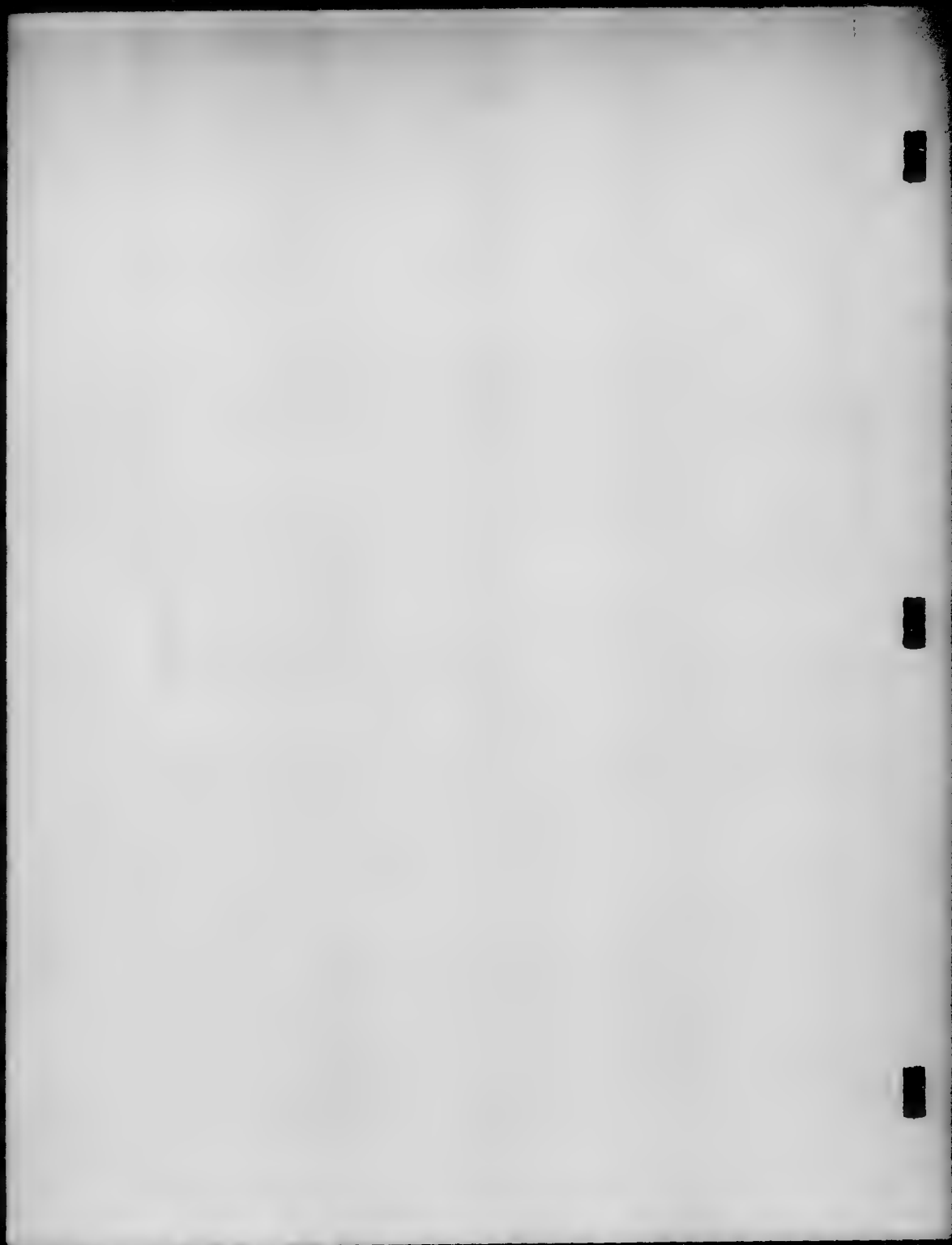
<u>Energy</u> - agreement entered into with N.C. Dept. of Commerce for Inspections Division to make inspections to comply with the Federal Emergency Building Temperature Restriction Program.	11
<u>Encroachment Agreement</u> - Mayor authorized to execute this right-of-way agreement with the N. C. Department of Transportation for the construction of a 6-inch I.D. Steel Butt-Weld Water Main on Louisiana Avenue.	33
<u>East Riverside Renewal Project</u> - Approval of the sale of disposal parcels in this area.	37
<u>Encroachment Agreement</u> - Mayor authorized to execute a right-of-way encroachment agreement with Debra Ruth Perry regarding a portion of Hiwassee Street.	41
<u>Encroachment Agreement</u> - Mayor authorized to execute this agreement with Charles and Jeanne Cummings for the purpose of constructing a sewer line on Brooklet Street.	46
<u>Encroachment Agreement</u> - Mayor authorized to execute a temporary right-of-way encroachment agreement with Arbys regarding a portion of Florida Avenue.	55
<u>East Riverside Renewal Project</u> - Approval of the sale of disposal parcels in this area.	63
<u>Earth Day</u> - April 22, 1980 proclaimed as such.	67
<u>Encroachment Agreement</u> - Mayor authorized to execute this right-of-way agreement with Morris, Golding, Blue and Phillips, P.A. regarding a portion of South Pack Square.	81
<u>East Riverside Urban Renewal Project (NC R-48)</u> - City's concurrence in the submittal of a preliminary request for financial settlement for this project.	84
<u>Employees, City of Asheville</u> - agreement with Blue Ridge Community Mental Health Center to provide wide range of mental health and related services to employees.	99
<u>Engineering Study</u> - to be conducted by Burmeister, Wright and Associates for Bee Tree Lake Spillway.	101
<u>East Riverside Redevelopment Project NC R-48</u> - execution of project completion agreement.	156
<u>Engineering Services</u> - contract with Burmeister, Wright and Associates for general consultant engineering services.	157
<u>Emma Road</u> - rezoning property at the corner of Emma Road and Bingham Road for Mr. and Mrs. Silver - public hearing scheduled, page 157; hearing and 1st reading, page 178 ; 2nd reading, page 200 ; 3rd reading, page 212 .	157

"E" (cont'd)

<u>Edgewood Road</u> - r/w agreement with N.C. DOT for the purpose of widening and improving Edgewood Road.	282
<u>Emmanuel Lutheran School</u> - speed limit school zone established for this school	285
	293
<u>East Riverview Drive</u> - discussion relative to closing East Riverview Drive - Thompson Street	302
<u>East Riverside Renewal Project</u> - Approval of sale of disposal parcels 104 and 173	303
<u>Elderly</u> - resolution proclaiming the month of November as Crime Against the Elderly Prevention Month.	305
<u>Epilepsy Month</u> - Proclamation proclaiming the month of November as Epilepsy Month	305
<u>Emma Air Park</u> - rezoning of this property - public hearing scheduled, page 316; page 324 hearing held and 1st reading, page 338 ; 2nd reading, page 351; 3rd reading, page 384 .	
<u>Eagle Street Improvements</u> - contract with Hobson Construction Company for this project	323
<u>Evans, John</u> - claims against city	387
<u>Entrance Ramp</u> - Budget Amendment	413
<u>Economic Development, Department of</u> - Ordinance No. 1207, amending Article V (Asheville Revitalization Commission) to include expanded duties in connection with DED	446

<u>Fire Department Employees</u> - resolution of appreciation for obtaining EMT Training	140
<u>Flood Plain Regulations</u> - public hearing scheduled, page 145- hearing and 1st reading page, 175 ; 2nd reading, page 240 ; 3rd reading, page 255 . 2nd reading postponed - p. 199; tabled page 249 (for one week)	
<u>Flag Day through Independence Day</u> - Proclamation - period of Honor America	158
<u>Franks, Billy E.</u> Claim against the city	158
<u>Fire Protection Services</u> - agreement with Skyland Volunteer Fire Department for fire protection service in the airport annexation area.	172
<u>Falk, Rubin</u> - President of Carolinians for Safe Energy spoke to council relative to nuclear fuel being shipped through Asheville.	190
<u>Fisher, Larry</u> - Recognition for achievement of Award of Financial Reporting Certificate.	199
<u>Finance Department</u> - Recognition for achievement of Certificate of Conformance in Financial Reporting for this Department.	199
<u>Festival- Bele Chere</u> - authorizing certain official action relative to festival	218
<u>Federal Grants Program Budget</u> - budget amendment relative to parks and recreation dept.	235
<u>Friends Enterprises</u> - Resolution. consenting to the assignment of lease-purchase agree- ment to Allen Center, Inc.	237
<u>Frankel, Richard D.</u> - appointed by resolution to the Asheville Revitalization Comm.	237
<u>Felder, Dr. Nathaniel</u> - appointed as member to the Zoning Board of Adjustments	252
<u>Fain, Mr. Richard</u> - appointed to the Asheville-Buncombe County Youth Council	252
<u>FAA</u> - grant agreement approved for Airport - Project No. 6-37-0005-06	266
<u>Fowler, Ed</u> - comments relative to annexation (proposed)	267
<u>Fletcher, Walter Beale</u> -claim against the city	274
<u>Flood Insurance</u> -announcement of reinstatement in the Flood Insurance Program	275
<u>Fire Prevention Week</u> - Proclamation for week of October 5 - 11, 1980	279
<u>Fowler, Ned</u> - comments made relative to proposed annexations	279

<u>Fairfax Avenue - alley off this street closed - First Union National Bank and Grace Baptist Church</u>	5
<u>French Broad River Water Line - Funds for this project</u>	9
<u>Family Care Homes - amendment to Zoning Ordinance relative to including these homes as Conditional Uses in all residential districts and in the Office Institutional District (See Minute Book 46) - second reading scheduled, page 11, 2nd reading, page 17, 3rd reading, page 25.</u>	11
<u>Fields, Lenora - claim against the City</u>	13
<u>Fuller, Phillip - Resolution of appreciation and commendation to this employee.</u>	36
<u>Finance, Director of - This person was designated certain functions and responsibilities.</u>	50
<u>Foreign Exchange Students - Asheville High School was commended on their participation in the International Exchange Program.</u>	52
<u>Florida Avenue - Mayor authorized to execute a temporary right-of-way encroachment agreement with Arbys regarding a portion of this street.</u>	55
<u>Finance, Director of - This person was authorized to sell a P & H Crane, as surplus property, in the Public Works Department.</u>	65
<u>Finance, Director of - This person was authorized to sell surplus fire alarm telegraph equipment in the Fire Department.</u>	65
<u>Fire Department - Director of Finance was authorized to sell surplus fire alarm telegraph equipment in this department.</u>	65
<u>Fire Department - A Certificate of Merit was presented to Steven Brown and Charles T. Parker and a Certificate of Appreciation was presented to G. W. Sams.</u>	68
<u>Finance, Director of - This person was authorized to sell surplus property (12-G A. C. Front End Tractor) in the Public Works Department.</u>	76
<u>Fairview Road - Mayor authorized to notify the N.C. Department of Transportation of the City's approval of installation of crossing signals and gates at the intersection of this Road and Southern Railway.</u>	76
<u>F.B.&H. Company - A claim was received by this company.</u>	78
<u>Federal Aviation Administration - Mayor authorized to sign an easement with CP&L to provide electrical services to these facilities at the Asheville Regional Airport.</u>	81
<u>Fair - permission granted to Buncombe County Jaycee Fair Assn. to conduct fair July 23 - 27, 1980 at the New Asheville Speedway on Amboy Road.</u>	100



"F" (Cont'd)

<u>Fire Hydrants</u> - bids for 100 traffic model fire hydrants	282
<u>Farm/City Week</u> - Proclamation for October 6 - 11, 1980	283
<u>Fall Arts Festival</u> - Proclamation for October 9, 1980 - October 19, 1980	291
<u>FloodPlain Ordinance</u> - amendment to ordinance relative to maps hearing scheduled, page 291 - hearing held, page 303 ; 1st reading, page 303 ; 2nd reading, page 303 ; 3rd reading, page 307 .	
<u>French Broad River 24-inch Water Line Project</u> - Budget Amendment - Water Major Capital Improvements Funds Budget	304
<u>Family Week</u> - Proclamation for week of November 23 - 29, 1980	324
<u>Ferguson, Mrs. James</u> - claim against the city	324
<u>Fletcher, Lottie Jean</u> - claim against city	394
<u>Fire Cadets</u> - recognition of George Gibson, Edwin Clinedinst, Ronald Eddings Gary Briggs.	395
<u>Fire Department</u> - Bids - One Fire Apparatus - 1000 GPM Pumper - Consideration was given to the approval of bids received January 19, 1981, for one fire apparatus-1,000 GPM Pumper	420
<u>Forest Hill Drive</u> - Resolution authorizing the Mayor to execute a right-of-way agreement with Eugene & Beulah Robinson off Hendersonville Rd.	420
<u>788 Fairview Road</u> - Public Hearing - Rezoning Property	436
<u>788 Fairview Road</u> - Continuation of Public Hearing on rezoning property	452

<u>Green, James</u> - resolution supporting minority business development in the East Riverside Urban Renewal Area for this person.	281
<u>Giezentanner, Evelyn et al</u> - release from a lease between the City of Asheville and Evelyn Giezentanner, et al relative to the N.C. DOT's acquisition of r/w for the improvement of Valley Street.	282
<u>Group Development</u> - Carolina Power and Light Company - Field Facilities Building hearing scheduled, page 283 - hearing held, page 285.	
<u>Grant, Rev. Wesley</u> - resolution relative to the sale of property on Choctaw Street to this person	287
<u>Group Development</u> - Biltmore Professional Center Office Building - Yorkshore and Reed Street - hearing scheduled, page 289- hearing held, page 299 .	289
<u>Glenn, A. J., Sr.</u> - Claim against the city	291
<u>Golf Club</u> - agreement with Asheville Area Chamber of Commerce for participation in the 1981 Western North Carolina Golf Club.	315
<u>Group Development</u> - Site plan of proposed Cinnamon Ridge Apartment Complex - hearing scheduled, page 316; hearing held, page 349; Hearing continued, pg. 381	
<u>Garbage Truck</u> - resolution authorizing sale of 1977 garbage truck	348
<u>Grant Program</u> - budget amendment	385
<u>Grant from Intergovernmental Personnel Act</u> - Budget amendment.	399
<u>Group Development</u> - public hearing regarding Deerwood Condominiums	408
<u>General Capital Projects Fund</u> - Budget amendment, Motor Pool Facility	410
<u>General Capital Projects Fund</u> - Budget Amendment, Motor Transport Facility	410
<u>General Capital Projects</u> - Budget Amendment - Entrance Ramp at City Hall	413
<u>General Capital Projects Fund</u> - Budget Amendment	417
<u>General Project Fund</u> - Budget Amendment - City of Asheville	427
<u>Girl Scout Week</u> - Proclamation - March 8 - 14, 1981	434
<u>Group Development</u> - Public Hearing - Sky Harbor Factory Outlet Mall, State and Amboy	463

<u>Group Development</u> - relative to the Summit Complex - hearing scheduled, page 11 hearing and approval, page 16.	11
<u>Guthrie, David A.</u> - claim against the City	13
<u>Gragg, T. L.</u> - A claim was received by this person.	50
<u>Grove Street, South</u> - Hearing was held to close a portion of this street.	63
<u>Green, Donald</u> - A claim was received by this person.	85
<u>General Revenue Sharing Funds</u> - Hearing date set for discussion the proposed uses - page 92; hearing - page .	
<u>Group Development</u> - "445 Biltmore Center" - hearing scheduled, page 145 - hearing held and approved, page 160.	145
<u>Green, Donald</u> - claim against the City	
<u>Group Homes for Developmentally Disabled Adults</u> - establishing standards for public hearing scheduled, page 145 - hearing and 1st reading, page 167, 179; 2nd reading, page 201; 3rd reading, page 212 .	205
<u>Gracey, L. F.</u> - Report to Council on drainage problem - Sunset Mountain.	213
<u>Glendale Avenue Railroad Crossing</u> - agreement with N. C. DOT re: signals and gates at this railroad crossing.	216
<u>Garren, Kathleen</u> - claim against the city	221
<u>Group Homes for Developmentally Disabled Adults</u> - moratorium on issuance of building permits - hearing and 1st reading, page 221; 2nd reading, page 234; 3rd reading, page 240 .	224
<u>Garner, James M.</u> - claim against the city	237
<u>Greene, Michael E.</u> - appointed by resolution to the Asheville Revitalization Comm.	237
<u>Goodman, B. Paul</u> - Appointed by resolution to the Asheville Area Civic Center Comm.	246
<u>Golf Course</u> - Approval of bids received August 11, 1980 for one Greensmower	252
<u>Gordon, Miegan S.</u> - appointed to Asheville-Buncombe Historic Resources Comm.	266
<u>Garbage Collection</u> - comments by Councilman Boland	279
<u>Green, Mr. James</u> - discussion of minority business in East Riverside Urban Renewal Project proposed by Mr. James Green.	

<u>Hiwassee Street</u> - Mayor authorized to sign a right-of-way encroachment agreement with Debra Ruth Perry regarding a portion of this street.	41
<u>Hensley, Charles A.</u> - A claim was received by this person.	50
<u>Hearing</u> - Date set for question of annexating a portion of Regent Park - page 55; hearing and 1st reading - page 68 ; 2nd reading - page 68 ; 3rd reading - page 68 .	
<u>Hutchison-Biggs, Inc.</u> - City Manager authorized to accept a proposal from this company to correct the survey of Asheville Regional Airport Property.	60
<u>Hearing</u> - Date set to rezone property on Yorkshire and Reed Streets as requested by Mr. and Mrs. Rush Jolly - page 60; hearing and 1st reading - page 79 ; 2nd reading - page 87 ; 3rd reading - page . - Postponed - page 83.	
<u>Hearing</u> - Consideration of a project for which federal operating assistance is provided - page 77; hearing and 1st reading - page 96 ; 2nd reading - page ; 3rd reading - page . -- Urban Mass Transportation Grant for 1979-80.	
<u>HOSA - Health Care Week</u> - The week of April 27 - May 3, 1980 was proclaimed as such.	77
<u>Hatchett, Barbara O.</u> - A claim was received by this person.	78
<u>Holmes, George</u> - A claim was received by this person.	78
<u>Hearing</u> - Date set for closing an un-named City street in West Asheville - page 84; hearing and closing - page .	
<u>Hummel, Judy S.</u> - A claim was received by this person.	85
<u>Hearing</u> - Hearing date set relative to considering the repeal of Ordinance No. 1084 or for the calling of a special election for the purpose of allowing the electorate to decide whether or not to repeal Ordinance No. 1084 - page 89; hearing - page 96.	
<u>Hearing</u> - Date set for general revenue sharing funds, discussion of the proposed uses - page 92; hearing - page 95.	
<u>Hyldborg, Sandra</u> - A claim was received by this person.	93
<u>Hightower, Raymond</u> - A claim was received by this person.	93
<u>Hearing</u> - General Revenue Sharing Trust Funds for Fiscal Year 1980-81	95
<u>Hutchison, Charlotte</u> - recognized for graduating from Municipal Administration Course at the Institute of Government.	95

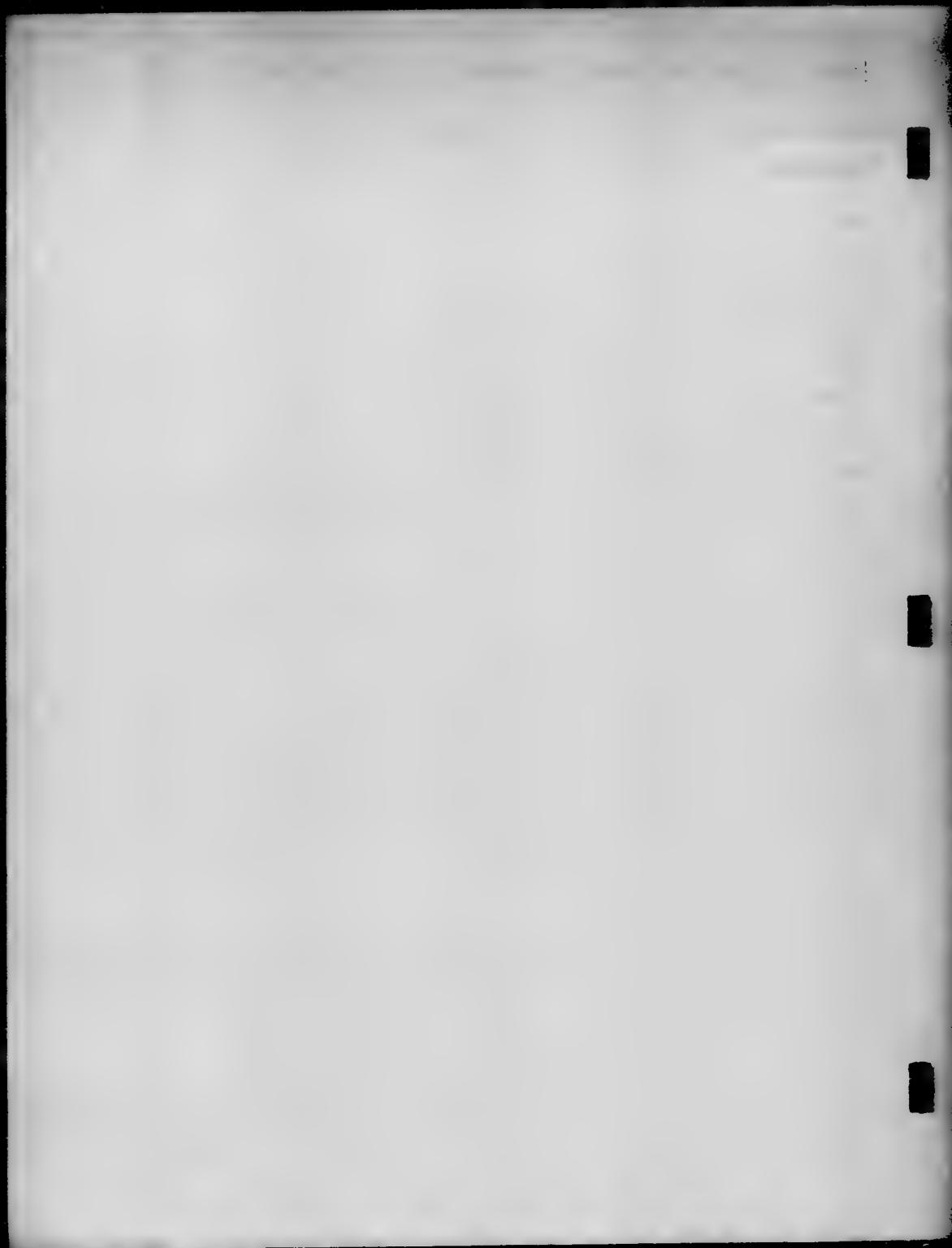
- Hearing - rezoning property on Haywood Street for Naegele Advertising Company = hearing scheduled, page 2; hearing, page 2
- Haywood Street - rezoning property on Haywood Street for Naegele Advertising Company = hearing scheduled, page 2; hearing and 1st reading, page 27 ; 2nd reading, page 37 ; 3rd reading, page 44 . 2
- Housing - demolition of 230 Montford Avenue (Discussion carried over from Minute Book 46) - this book contains the following - discussion and agreement, page 2, 3, 4 - hearing scheduled to rescind ordinance to demolish and adopt ordinance for rehabilitation of house, page 4 progress report, page 14; hearings and readings of ordinances, page 22-24 amendment to ordinance to rehabilitate- 214 - 228
- Hearing - closing alley off Fairfax Avenue - First Union National Bank of North Carolina and Grace Baptist Church 5
- Haywood Road - property rezoned at the corner of Haywood Road and Cloyes Street for Morton Distributing Company 6
- Hearing - public hearing held relative to the Sixth Year Community Development Application 6
- Hearing - scheduled to adopt an ordinance to prohibit demolitions downtown during the week before Thanksgiving through the first week in January. 11
hearing scheduled, page 11- hearing held, page 62. - postponed - page 37.
1st reading - page 62; 2nd reading - page 69 ; 3rd reading - page 80 .
- Hearing - relative to the approval of the group development plan for the "Summit Complex" - hearing scheduled, page 11; hearing and approval held, page 16.
- Hagan, Mabeline - Claim against the City 13
- Hamilton, C. D. - Claim against the City 13
- Hearing - closing of an unnamed alley located off Biltmore Avenue for St. Joseph's Hospital. 15
24
- Housing - ordinance to demolish 48 Blalock Avenue, 53 Blalock Avenue, 278 Hillside Avenue and 90 Indiana Avenue - hearing scheduled, page 26; hearing and 1st reading, page 52; 2nd reading, page 59 ; 3rd reading, page . - Tabled - page 63 Progress report - page 85.
- Hillside Avenue #278 - ordinance to demolish this house - hearing scheduled, page 26; Permit secured, will not be demolished - page 52.
- Hearing - Date scheduled for rezoning of property on Haywood Street for Naegele Advertising Company - page 2; hearing and 1st reading, page 27; 2nd reading - page 37 ; 3rd reading - page 44 .
- Hearing - Third reading of rezoning property on S. Bear Creek Road and N. C. 191 Connector. - page 28 - Reconsideration of 3rd reading - page 43.
- Hearing - Date set relative to closing a portion of South Grove Street and an unnamed alley - page 34; hearing and closing - page 63 .

<u>Historic Property</u> - Solicitation for architectural services for rehabilitation of these properties - YMI Building on Eagle Street.	204
<u>Harrell, Janice Mitchell</u> - Claim against the City.	205
<u>Hazel Mill Road Bridge</u> - Report relative to repair or replacement by City Mgr.	207
<u>Hearing</u> - Announcement of hearing by State for widening of McDowell Street.	208
<u>Huntley Construction Company</u> - contract awarded to this company for project known as "American Way/Rash Road six-inch sewer line"	214
<u>Housing</u> - demolition of 135 Brooklyn Road, 22 Normandy Road, and 18 Weaver Hill hearing scheduled, page 214, hearing held and 1st reading, page 239 ; 2nd reading, page 249; 3rd reading, page 254 .	264
<u>Hearing</u> - relative to ordinance requiring development within 3-mile radius of City Limits to petition to be annexed into the City prior to being granted a tap permit to the City of Asheville water system. hearing scheduled, page 215- hearing held, page 229 .	215
<u>Hammonds, Mary Low</u> - claim against the city	216
<u>HEARING</u> - amending ordinance No. 1159, "an ordinance to rehabilitate or demolish the dwelling house known as 230 Montford Avenue"	228
<u>Housing Incentive Program</u> - budget amendment regarding Community Development Fund Budget	235
<u>Hearing</u> - relative to the adoption of an ordinance extending a moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area for September 11, 1980. Hearing scheduled, page 245, hearing held ~~263~~ 263 reading, page ; 2nd reading, page ; 3rd reading, page .	245
<u>Hearing</u> - Resolution of intent to change the name of a portion of Mayflower Road and Blue Briar Road. Hearing scheduled, page 246 Hearing held - page 264	
<u>Hearings</u> - Announcement of Community Development Public hearings	246
<u>Hazel Mill Bridge</u> - Repairs	248
<u>Hearing</u> - resolution fixing date of public hearing on question of annexation pursuant to G. S. 160A-31, as amended	251
<u>Historic Resources Commission</u> - resolution appointing members	252
<u>Hare, Leonard E.</u> - claim against the city	266
<u>Hickerson, Robert</u> - claim against the city	266
<u>Hearing</u> - relative to amendment to Civil Service Rule No. 4 - scheduled, page 267 rescheduled, page 275 - hearing held, page 280 .	

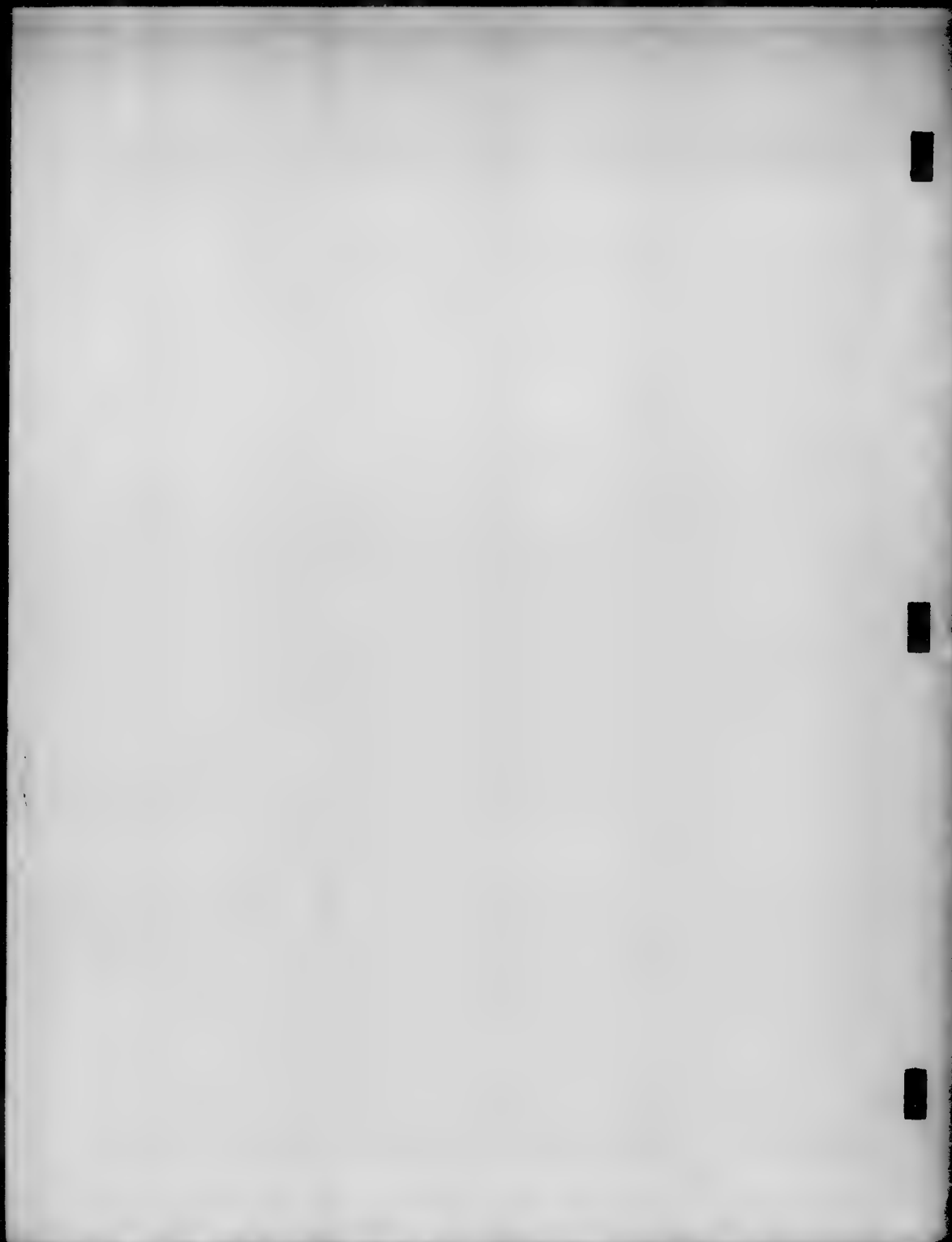
<u>Housing Authority</u> - reappointment of Mrs. Earl Shook, Jr. as a Commissioner	100
<u>Hayden, Claude</u> -- Claim received from this person	100
<u>Hearing</u> - for review and endorsement of a transition plan for the elderly and handicapped - hearing scheduled, page 136; hearing held, page 155.	136
<u>Hearing</u> - Group Development - "445 Biltmore Center" public hearing scheduled, page 145; hearing and approval page, 160 .	
<u>Hearing</u> - Flood Plain Regulations Ordinance - Hearing scheduled, page 145; hearing and 1st reading, page 175; 2nd reading, page ; 3rd reading page .	
<u>Hearing</u> - establishing standards for group homes for developmentally disabled adults hearing scheduled, page 145- hearing held, page 167 . hearing continued, pg. 179	145
<u>Hearing</u> - extension of moratorium on multi-family facilities in the Beaverdam Valley area - public hearing scheduled, page 146; hearing held, page 170 .	146
<u>Hearing</u> - on City of Asheville Budget for 1980-81	147
<u>Hearing</u> - closing an unnamed city street in West Asheville (off Hazel Mill Rd.)	154
<u>Hazel Mill Road (street off of)</u> - closing of unnamed city street in West Asheville	154
<u>Hearing</u> - rezoning of property located on Clayton Street public hearing scheduled, page 157, hearing held, page 178 .	157
<u>Hearing</u> - rezoning property at the corner of Emma Road and Bingham Road public hearing scheduled, page 157, hearing held, page 178 .	157
<u>Hearing</u> - relative to the filing of a grant application with the DOT for a Capital Improvement Grant (10 air conditioned, lift equipped, diesel engine transit buses for replacement purposes and three hundred (300) bus signs.)	163
<u>Hearing</u> - rezoning property located on corner of N. Louisiana Avenue and Mill Road - hearing scheduled, page 173- hearing held, page 210 .	173
<u>Hazel Mill Road</u> - rezoning property located on corner of N. Louisiana Avenue and Hazel Mill Road - hearing scheduled, page 173; hearing and 1st reading, page 210 ; 2nd reading, page ; 3rd reading, page . (failed on first reading)	173
<u>Hearing</u> - amending Zoning Ordinance to include Article 12 "The Montford Historic District" - hearing scheduled, page 189, hearing held, page 219 . Rescheduled 325, First reading, page 327, second reading, page , Third reading, page .	189
<u>Hearing</u> - rezoning property located on Beaverdam Road (W 9 S 6 L 28-1/4, and 28) hearing scheduled, page 189, hearing held, page 221.	
<u>Hunter, Jim of Patton, Hunter & Company</u> - Recognition of for achieving Certificate of Conformance.	192
<u>Hillcrest Parenting Program</u> - Budget amendment for continuation of this program.	203
<u>Historic, Downtown</u> - Authorizing grant acceptance for facad improvements to certain buildings in this district.	204

<u>Hearing</u> - application to Dept. of HUD for UDAG Grant - Downtown-Lexington Ave. Project. Hearing held, page 330, 1st reading, pg. 335, 2nd reading, pg. 3rd reading, pg.	317
<u>Hobson Construction Company</u> - awarded bid for project known as Eagle Street Improvements.	323
<u>Housing</u> - Report to be given to Council relative to demolition of 22 Normandy Road.	324
<u>Hearing</u> - rezoning of Emma Air Park - hearing scheduled, page 324- hearing held 1st reading, pg. 339, 2nd reading, pg.351, 3rd reading, pg. 384.	338.
<u>Historical</u> - Amending Article 12 to be known as "The Montford Historical District." Hearing and first reading, page 325, second reading, page 339 , third reading, page 352 .	325
<u>Hill, Edward</u> - Claim against city	336
<u>Hearing</u> - Intent to close a portion of Asheland Avenue . Hearing held	395 364
<u>Higginbotham, Grace</u> - Claims against the city	365
<u>Hearing</u> - Rezoning of property at the corner of Hazel Mill Road and Hansel Street, hearing held and 1st reading, pg. 380, 2nd reading, page 389, 3rd reading, page	380
<u>Hazel Mill Road and Hansel Street</u> - rezoning of property at the corner of Hazel Mill Road and Hansel Street, hearing and 1st reading, pg. 380 2nd reading, pg. 389 , 3rd reading, pg	
<u>Housing Authority</u> - resolution authorizing the Mayor of the City of Asheville to sign an agreement with the Housing Authority for the preparation of a redevelopment plan.	389
<u>Hensley, Chief</u> - Comments by Ralph Bishop.	394
<u>Hostages</u> - Brief ceremony regarding release of hostages in Iran	395
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~	
<u>Housing Authority</u> - Appointment of Phillip F. Crouch as Commission of HA	404
<u>Hennessee, Derek</u> - claim against city	406
<u>Hyatt, Carl B.</u> - Proclamation of Carl B. Hyatt Day, January 30, 1981.	406
<u>Hearing</u> - public hearing regarding Deerwood Condominiums, group development	408

<u>Hearing -annexation of area in the Regent Park</u>	268
<u>Hazel Mill Bridge - acceptance of bids for repairing material for this</u>	272
<u>Hyatt, Mrs. Cliff (Amy) - appointed to Recreation Board.</u>	
<u>Housing Authority - resolution directing the Housing Authority to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the proposed Strouse-Greenberg Project.</u>	272
<u>Housekeeper's (National Executive) Week - Proclamation for week of September 14-20 1980</u>	274
<u>Hardy, Mary - claim against the city</u>	274
<u>Hearing -amendment to Sixth Year Community Development Application- hearing scheduled page 275 - hearing held, page 284 .</u>	
<u>Hearing - group development review - Carolina Power and Light Company - Field Facilities Building - hearing scheduled, page 283 - hearing held page 285</u>	283
<u>Haw Creek School - school zone - speed limit regulations set for this school</u>	285
<u>Hearing -group development review - Biltmore Professional Center Office Building at Reed and Yorkshire Street hearing scheduled, page 289, hearing held, page 299</u>	289
<u>Hearing - amendment to Ordinance No. 1172 - Asheville FloodPlain Ordinance hearing scheduled, page 291, hearing held, page 303 .</u>	291
<u>Hearing - closing of a portion of East Riverview Drive - Thompson Street</u>	302
<u>Hearing - creation of the Montford Historic District 1st reading - 327</u>	305
<u>hearing rescheduled, page 316 - Hearing held, page 325, 2st reading -339</u>	
<u>Historic District - creation of the Montford Historic District 3rd reading - 352</u>	305
<u>Hearing - Closing portions of S. French Broad Avenue, Livingston St. and Bartlett Street</u>	307
<u>Hearing - rezoning of Manor property on Charlotte Street - public hearing scheduled, page 311, Hearing held, page 327, first reading, page 330, second reading, page 340 third reading, page 353</u>	
<u>Herman, Victor - announcement of speaker at UNC-A</u>	312
<u>Hearing - site plan of proposed Cinnamon Ridge Apartment Complex, hearing scheduled, page 316 - hearing held, page 349 . Hearing continued, pg. 381</u>	
<u>Hearing - rezoning of property at 171 Hillside Street - hearing scheduled, page 316, hearing held, page 337 1st reading, pg. 338, 2nd reading, pg. 351, 3rd reading, 384</u>	
<u>Hearing - authorizing the Planning Dept. to hold public hearing re: UDAG Grant (Downtown-Lexington Avenue Project)</u>	316

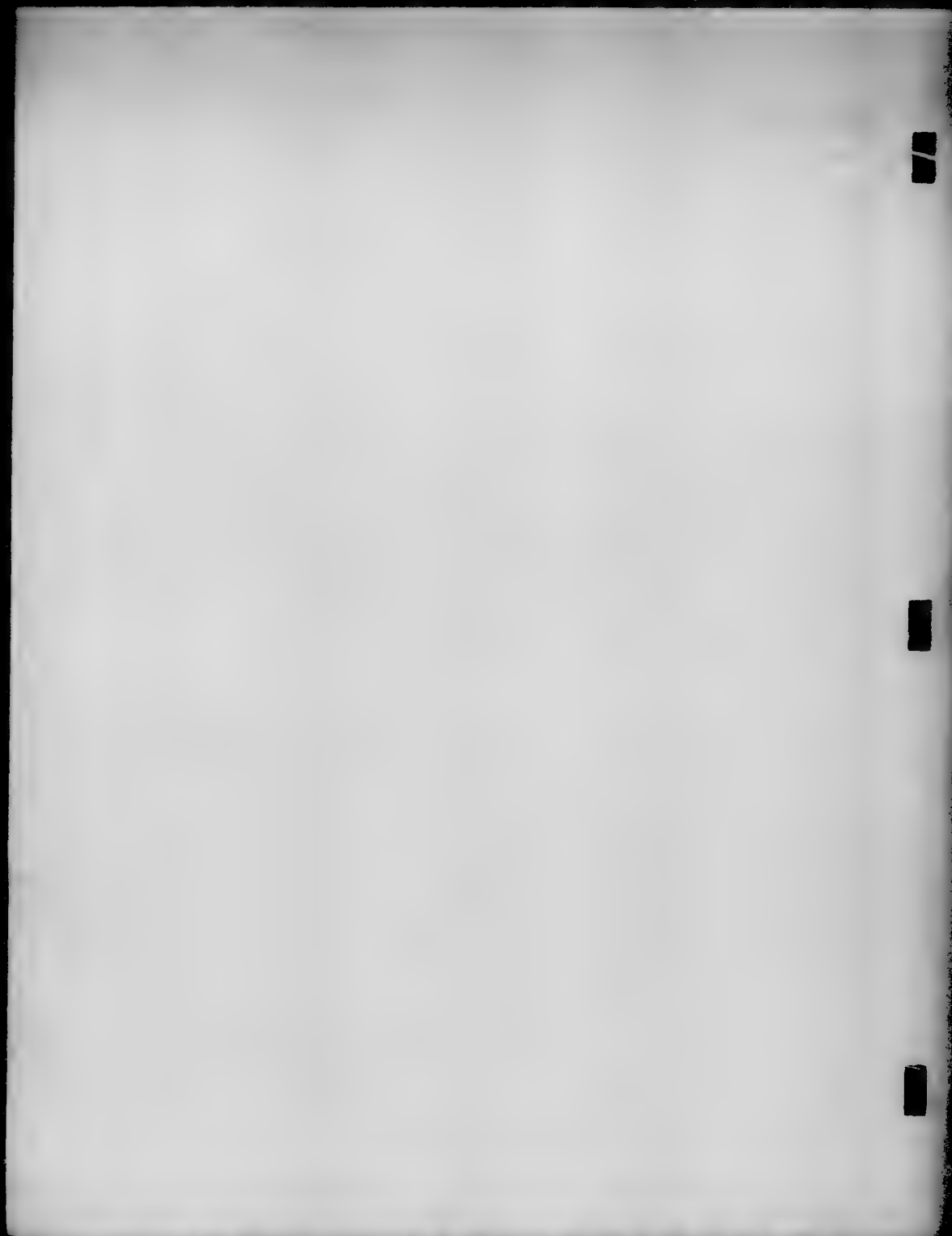


<u>Hearing - Seventh Year Community Development Application and Housing Assistance Plan</u>	419
<u>Historic Resources Commission Meeting - Invitation - Wed. Feb. 25, 1981-6:00p.m.</u>	421
<u>Haywood Street - 295 Haywood Street - approval of sign permit for American Log Homes</u>	429
<u>Hearing - Rezoning Property at 788 Fairview Road</u>	436
<u>Haw Creek Sewer Line - Resolution 81-50 - contract with W & W Contracting Co.</u>	442
<u>N. Haw Creek Road - Resolution No. 81-51 authorizing City Clerk to record said deed with the Register of Deeds</u>	443
<u>Hearing - Closing of Burton Street</u>	445
<u>295 Haywood Street - Sign Permit - American Log Homes, Inc.</u>	458
<u>295 Haywood Street - Sign Permit - American Log Homes, Inc. (Approval)</u>	469
<u>Health Fair Week - Proclamation - April 3 - 11</u>	471

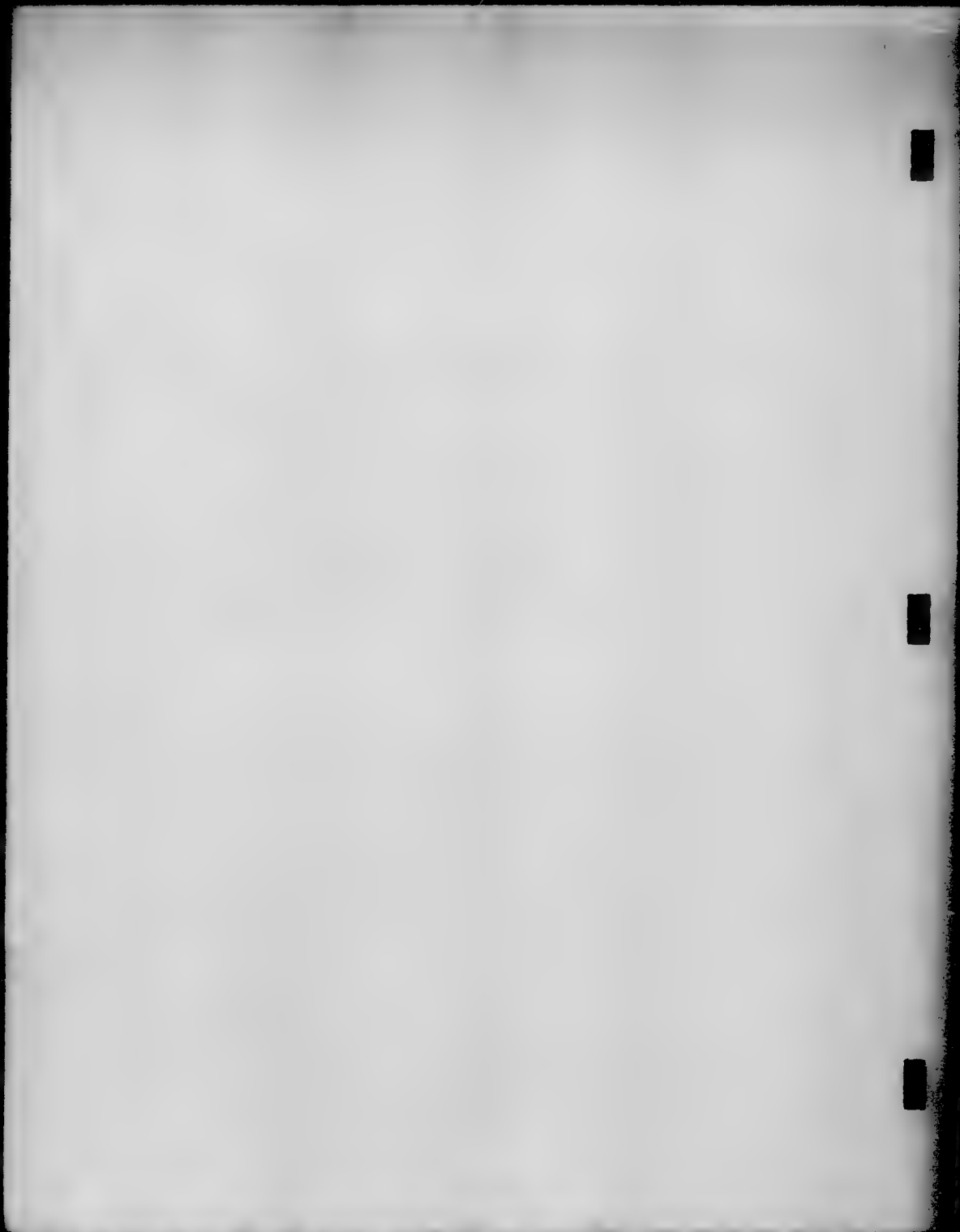


Indiana Avenue #90- ordinance to demolish this house - hearing scheduled, page 26;
Permit was secured so house will not be demolished - page 52.

<u>Insurance Women's Week -</u>	Proclamation for week of May 18-24, 1980	102
<u>International Year of Disabled Persons -</u>	1981 proclaimed	238
<u>Iovacchini, Dr. Eric -</u>	appointed to Asheville-Buncombe County Youth Council	252
<u>Insurance, Asheville-Buncombe Committee-</u>	appointment of Mr. Robert E. Lineback	272
<u>Institute of Government Study -</u>	resolution requesting the Institute of Government study organizational approach to achieve the consolidation of Buncombe County and City of Asheville Services.	404
<u>INSURANCE FOR TAXICABS -</u>	Ordinance repealing Section 27-4 of the Asheville Code of Ordinances. Hearing and First Reading, pg. 409, second reading, pg. third reading, pg. 413	413



<u>Jolly, Rush, Mr & Mrs</u> - Hearing date set to rezone property owned by these people at the corner of Yorkshire and Reed Streets - page 60; hearing and 1st reading - page 79; 2nd reading - page 87; 3rd reading - page .	
<u>Johnson, Carrie</u> - A claim was received by this person.	66
<u>Justus, Francis G.</u> - A claim was received by this person.	78
<u>Jones, Mr. and Mrs. Williams</u> - letter of thanks to these people read to Council re: Mr. and Mrs. Jones donating piano to the Shiloh Recreation Center.	101
<u>Jaycees, Buncombe County Fair Assn.</u> - permission granted to this association to conduct fair at New Asheville Speedway on Amboy Road - July 23-27, 1980.	100
<u>Jim Branch Road</u> - r/w agreements with N. C. DOT for a 2-inch water line on this road	189
<u>Jackson, Donna C.</u> - claim against the city	216
<u>Jerose, John</u> - Presentation for Thoms Cablevision	247
<u>Junk Dealers</u> - An ordinance amending Section 15 of the Revenue ordinance. 1st & 2nd reading, page 258; 3rd reading, page .	
<u>Jenkins, S. E.</u> - claim against the city	305
<u>Jarvis, Joseph E.</u> - resolution of appreciation and commendation upon retirement	313
<u>Jones, Ozella</u> - claim against city	394
<u>Johnson Amusement Rides, Inc.</u> - resolution consenting to the assignment of lease agreement of Recreation Park by Johnson Amusement Rides, Inc., to Cebren P. Fisher.	400
<u>Junior Achievement Week</u> - Proclamation the week of January 26-31.	401



<u>Keebler Road 8-Inch Fireline</u> - Mayor authorized to sign a contract with Silver's Grading and Trucking Contractors, Inc. for this project.	66
<u>Krickhan, W. F.</u> - A claim was received by this person.	85
<u>Keleher, Mrs. Barbara</u> - reappointed member of the Asheville Area Civic Center Commission	158
<u>Killian, Charles</u> of Patton, Hunter & Company - Recognition for attainment of Certificate of Conformance.	192
<u>Kasey, Dewey</u> - claim against the city	224
<u>Kowal, Joseph R.</u> - appointed by resolution to the Asheville Tree Commission	237
<u>Kessler, Herman</u> - claim	238
<u>Krisher, W. D.</u> - claim against the city	278
<u>Kenilworth Knoll</u> - Petition for street name change to this name	301
<u>Knollwood Subdivision</u> - report relative to an offer to purchase property in Knollwood Subdivision.	317
<u>Kilby, Rhonda</u> - Claim against city	406
<u>Kinser, Wayne</u> - announcement relative to sale of property in Knollwood on Starmount Drive.	418
<u>Knollwood on Starmount Drive</u> - relative to sale of property in Knollwood on Starmount Drive.	418
<u>Knollwood on Starmount Drive</u> - sale of property in Knollwood on Starmount Dr.	429

<u>Lexington, North Street Improvements</u> - contract for this project awarded to Warren Brothers Company.	136
<u>Library Funds</u> - Budget Amendment - Fiscal 1979-80 Operating Budget (\$7,560)	141
<u>Library Board</u> - reappointment of Mr. Anthony Lord	143
<u>Lord, Mr. Anthony</u> - reappointed a member of the Library Board	143
<u>Limestone Planning Council</u> - annexation - proposed - discussion of same by this group.	165
<u>Library</u> - authorization for transfer of responsibility for administrative support of the Pack Memorial Library from the City of Asheville to Buncombe County.	171
<u>Louisana (N.)</u> - rezoning property located at corner of N. Louisiana Avenue and Hazel Mill Road - hearing scheduled, page 173- hearing and 1st reading, page 210 ; 2nd reading, page ; 3rd reading, page .	173
	FAILED ON FIRST READING
<u>Lease Agreement</u> - Approving content & form for Victoria of Asheville.	199
<u>Lunsford, William M.</u> - Claim against the City.	205
<u>Lottery Sales</u> - comments by Ralph Bishop	217
<u>Lawler, Rodney</u> - r/w agreement with Rodney Lawler, owner of Asheville Terrace, concerning an easement for the maintenance and repair of a water line.	265
<u>Lineback, Mr. Robert E.</u> - appointed to Asheville-Buncombe Insurance Committee	272
<u>Linn, E. Ted</u> - execution of memorandum of understanding relative to the purchase of his property on Valley Street	273
<u>Library</u> - Budget amendment for the continuous on-site supervision provided during the construction of the library.	277
<u>Lottery Laws</u> - Comments by Ralph Bishop	279
<u>Lexington Avenue</u> - Budget Amendment - City of Asheville Annual Operating Budget	286
<u>Linn, E. Ted</u> - resolution authorizing the purchase of the E. Ted Linn Property on Valley Street	287
<u>Livingston Street</u> - closing a portion of the street at the request of the Housing Authority	289 307
<u>Legislative Program</u> - supporting the N. C. League of Municipalities Legislative Program	289
<u>Lottery Sales</u> - comments by Ralph Bishop	291

<u>Louisiana Avenue</u> - encroachment agreement with N.C. DOT for water and sewer line	1
<u>Logan, Thomas C.</u> - claim against the City	13
<u>Lexington Avenue</u> - acceptance of r/w agreement from Northwestern Bank to widen Lexington Avenue from College Street to Patton Avenue.	20
<u>Lottery Sales</u> - Ralph Bishop spoke relative to this subject	21
<u>Lottery Sales-</u> Ralph Bishop spoke relative to this subject	26
<u>Louisiana Avenue</u> - Mayor authorized to execute a right-of-way encroachment agreement with the N. C. Department of Transportation for the construction of a 6-inch I.D. Steel Butt-Weld Water Main on this street.	33
<u>Land-of-Sky Regional Council</u> - Endorsement postponed for the Mayor to execute an extension of contract with this Council for the continuation of the Asheville Riverfront Revitalization Program.	38
<u>Lease</u> - Offer for lease of property accepted near the Asheville Regional Airport for a hotel/motel complex.	59
<u>Lease</u> - Mayor authorized to enter into a lease agreement for the City for use of the St. Eugene School Athletic Field and Playground.	75
<u>Land-of-Sky Regional Council</u> - Areawide Action Program Update for FY 1980-81's endorsement was postponed one week.	88
<u>Land-of-Sky Regional Council</u> - Mayor authorized to assure the State of N. C. that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.	92
<u>Land-of-Sky Regional Council</u> - Mayor authorized to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City will provide for the operation, maintenance and administration of the water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.	93
<u>Lance, Jean</u> - A claim was received by this person.	93
<u>Land-of-Sky Regional Council</u> - endorsement of the Areawide Action Program Update	98
<u>Lottery Sales</u> - Ralph Bishop spoke relative to this subject.	102

<u>Linn, Ted E. property</u> - bids to demolish existing structures	449
<u>Low rent public housing</u> - Resolution No. 81-59 application for preliminary loan	450
<u>Low Rent Public Housing</u> - Resolution No. 81-60 - application for preliminary loan	450
<u>Leicester Highway</u> - Public Hearing - Rezoning	465
<u>Leicester Highway</u> - Ordinance No. 1208 - rezoning Leicester Highway	465
<u>Leicester Highway</u> - Ordinance No. 1208 - Rezoning	472

"L" (cont'd)

<u>Logan Construction Company</u> - awarded contract for the project known as Asheville Civic Center Exterior Wall Tuck Pointing.	295
<u>Lottery Sales</u> - comments by Ralph Bishop	306
<u>Loitering</u> - Ordinance to relating to loitering on public streets and sidewalks or parks and other public areas. second reading, page 313, third reading, page 322.	308
<u>Lease Agreement</u> - with County of Buncombe for Parking Lot (Ward 1, Sheet 1, Lot 249)	310
<u>Lock Your Car Week</u> - Proclamation for week of November 8 - 15, 1980	312
<u>Lexington Avenue - Downtown - UDAG Project</u> - Hearing to be held by Planning Dept.	316
<u>Lexington Avenue - Downtown - UDAG Project</u> - Hearing to be held by Council	317
Hearing held, pg. 330, first reading, pg. 335, second reading, pg. Third reading, pg.	
<u>Love, Moultrie</u> - Claims against the City	347
<u>Lawson, Ted</u> - Claims against the city	365
<u>North Lexington Avenue</u> - resolution requesting AHA to proceed with the redevelopment plan	378
<u>Liaison</u> - between City Manager and Strouse-Greenberg.	378
<u>Local Governmental Employees Retirement System</u> - An ordinance authorizing the creation of a supplemental annuity fund for certain city employees and surviving spouses. Hearing and 1st reading, pg. 388, 2nd reading, pg. 399 3rd reading, pg 399.	
<u>Legislative Program</u> - City Counsel Legislative Program for 1981 General Assembly.	390
<u>Little, Jackie</u> - claim against the city	394
<u>Lease Agreement</u> - resolution authorizing Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the Use of Burton Street, Reid, and Shiloh Recreation Centers	399
<u>Lease Agreement</u> - Resolution consenting to the Assignment of Lease agreement of Recreation Park by Johnson Amusement Rides, Inc., to Cebren P. Fisher.	400
<u>Lottery Sales</u> - Ralph Bishop spoke regarding this.	407
<u>Lottery Sales</u> - Ralph Bishop spoke regarding difficulty in obtaining city records	411
<u>Letters of Sympathy</u> - Families of Mayor Ray Penley and Claude Brock, former Members of Planning and Zoning Commission.	416

Mental Health Services - contractual agreement with Blue Ridge Mental Health Center \$9 to provide wide range of mental health and related services to the City of Asheville employees.

Memorial Mission Hospital - claim against the City

145

Moratorium (Multi-Family Facilities in the Beaverdam Valley Area) - public hearing scheduled, page 146, hearing and 1st reading, page 170 ; 2nd reading, page 170 ; 3rd reading, page 170 . 146

Meeting - City Council meeting of July 3, 1980 cancelled 159

Maple Street - petition presented relative to opening of street 166
174

Merritt Street - request for investigation by Councilman Wilkes re: encroachment upon property at #5 Merritt Street 174

Montford Historic District - amending Zoning Ordinance to include Article 12 to be known as "The Montford Historic District" - hearing scheduled, page 189; hearing and 1st reading, page 220 ; 2nd reading, page ; 3rd reading, page . 189
(Failed on 1st reading)

Maple Street = Report on petition to open street by City Manager. 207

Montford Avenue, 230 - Report relative to this dwelling and its rehabilitation. 208

Mentally Retarded Month - Proclamation by Mayor - July 1980. 208

McDowell Street - Announcement of public hearing by State to widen this street. 208

Malls - (Proposed) - Statement made by Council relative to the proposed malls 215

Mall, Downtown - discussion relative to Strouse-Greenberg Downtown Proposal 216, 217

Moratorium - (Group homes for Developmentally Disabled Adults) - hearing and 1st reading, page 221, 2nd reading, page 234 ; 3rd reading, page 240 .

Mall - presentation of request by Edward J. DeBartolo Corporation and Mr. George H. V. Cecil - annexation into the City of Asheville for proposed regional mall 225

Michigan Avenue - property was rezoned to Light Industrial but the developers were not to use this road as an access to property, causing problems 233

Moore, William O. - appointed by resolution to the Planning and Zoning Commission 237

Moratorium - relative to adoption of ordinance extending moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area. Hearing scheduled, page 245, hearing held and 1st reading, page 263; 2nd reading, page ; 3rd reading, page .

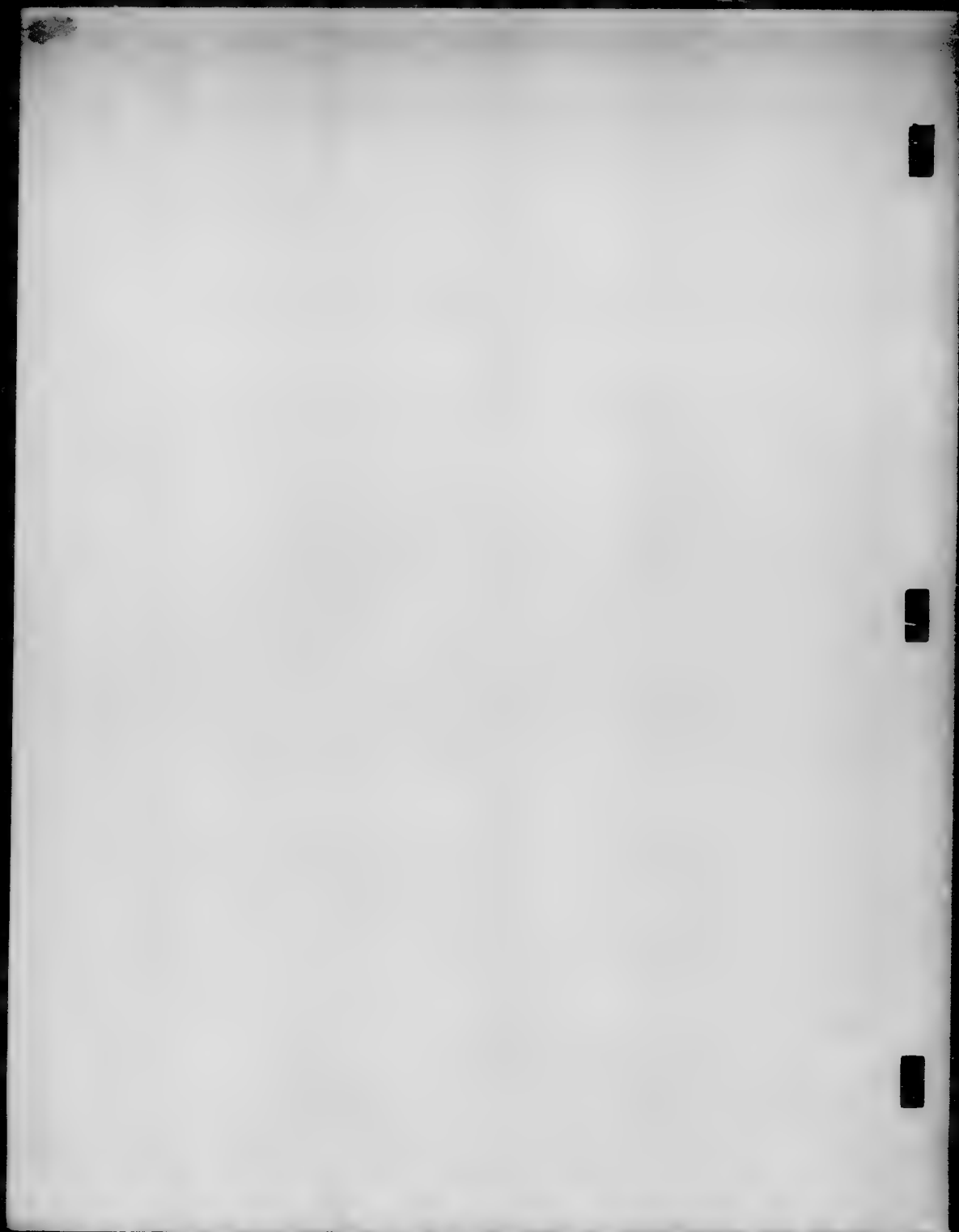
Mall - Ms. Austin - save downtown Asheville - Downtown Mall Proposal 247

Mall - Budget amendment - annual operating budget for fiscal year 1980-81 - downtown study. 250

McCurry, Mr. Tom - appointed to Zoning Board of Adjustments 252

"M"

<u>Montford Avenue</u> - demolition of 230 Montford Avenue (discussion carried over from Minute Book 46) -this book contains the following- discussion and agreement, page 2,3, and 4 - hearing scheduled to rescind ordinance to demolish, and adopt ordinance for rehabilitation of house, page 4 progress report, page 14- hearings and readings of ordinances, page 22-24 hearing scheduled relative to amendment to ordinance, page 214, hearing held and 1st reading, page 228; 2nd reading, page ; 3rd reading, page	
<u>Milk Commission (State)</u> - Councilwoman Price commended for being sworn as member	4
<u>Morton Distributing Company</u> - property rezoned at the corner of Haywood Road and Cloyes Street for this Company.	6
<u>Miss N.C. U.S.A. 1980 Pageant Days</u> - Marhc 14-15, 1980 proclaimed as such.	34
<u>Mitchell Distributing Company</u> - Bids awarded to this company for portable air compressors for Water Maintenance and Construction Division.	47
<u>Trantham, Roy M.</u> - This person commended the Street Department for their work.	48
<u>Moto, Transport Department</u> - Bids awarded to Apple Tree Chevrolet for 2 ½-ton pick up trucks for this Department.	54
<u>McFee, Ron</u> - This person presented council with passes to the Asheville Tourists baseball games.	58
<u>Mowers, 6-High Wheel, 26" Cut</u> - Bids awarded to E. J. Smith & Sons for these mowers for Park Maintenance and Riverside Cemetery.	66
<u>Morris, Golding, Blue & Phillips, P.A.</u> - Mayor authorized to execute a right-of-way encroachment agreement with this group regarding a portion of S. Pack Square.	81
<u>Municipal & Utility Supply</u> - Bids awarded to this company for ductile iron pipe for the Water Maintenance and Construction Division.	91
<u>Minnessota Mining and Manufacturing Company</u> - Bids awarded to this company to furnish and install full circulating book detection system, Pack Memorial Library, 67. Haywood Street.	91
<u>Mowers, Lawn and Weed</u> - Bids awarded on a per item basis to Porter Brothers for 1 Flair Mower and E. J. Smith & Sons for 9 Weedeaters and 4 Commercial mowers for Park Maintenance, Malvern Hills, and Walton Street Pools, and Riverside Cemetery.	92
<u>Malvern Hills Pool</u> - Bids awarded to Porter Brothers and E. J. Smith & Sons for 1 flair mower, 9 weedeaters and 4 commercial mowers for Park Maintenance, this pool and the Walton Street Pool and Riverside Cemetery.	92
<u>May, Donna Lynn</u> - A claim was received by this person.	93
<u>Municipal Administration Course</u> - recognition of Charlotte Hutchison and Beth Myers for graduation from this course at the Institute of Government.	95
<u>Myers, Beth</u> - recognition for graduation from the Municipal Administration Course at the Institute of Government.	95



<u>Montford</u> - Approval of bids for fencing at recreation complex	260
Approval of bids for asphalt tennis courts at recreation complex	260
<u>Messer, Mrs. E. C.</u> - Pension payment	261
<u>Mayflower Road</u> - changing the name of a portion of Mayflower Road to Blue Briar Road.	264
<u>Montford Recreation Complex</u> - bids approved to install ballfield lighting system at Montford Recreation Complex.	278
<u>Maitland, Dorothy C</u> - appointment to the Board of Directors for Victoria of Asheville, Inc.	282
<u>Manor</u> - Resolution consider ing the rezoning of the property known as the Manor - hearing scheduled, page 311 - hearing rescheduled, page 316; Hearing held, page 327, 1st reading, page 330, 2nd reading, page 340, 3rd reading	290 353
<u>Moss Auto Sales</u> - sign permit approved for Moss Auto Sales at 770 Patton Avenue	295
<u>Metropolitan Sewerage District Board</u> - appointment of Mr. Frank Smith	2
<u>Montford Historic District</u> - creation of this district	305
Hearing rescheduled, page 316; hearing held, page 325; 1st reading, page 327 ; 2nd reading, page 339 ; 3rd reading, page 352.	
<u>Meade, Donnie</u> - claims against the city	365
<u>Mitchell, Freddie</u> - claim against the city	394
<u>Mitchell, Nell</u> - claim against the city.	401
<u>Morris, John</u> - recognition of boy scout earning merit badge.	407
<u>Motor Pool Facility</u> - Budget Amendment, General Capital Projects Fund	410
<u>Motor Transport Facility</u> - Budget Amendment, General Capital Projects Fund	410
<u>Mail Insertion Equipment</u> - Budget Amendment	410
<u>MOTOR VEHICLE REGISTRATION REQUIREMENTS</u> - Ordinance #1204- an Ordinance to clarify	423
<u>Mass Transit Grant Contract</u> - Resolution # 81-36 with N.C. Dept. of Transportation	428
<u>Management Improvement Corporation of America of Durham</u> - Resolution No. 81-38, authorizing the City Manager to sign agreement to perform certain management assistance services	431
<u>Motor Vehicle Registration Requirement</u> - Ordinance No. 1204 - to clarify	457

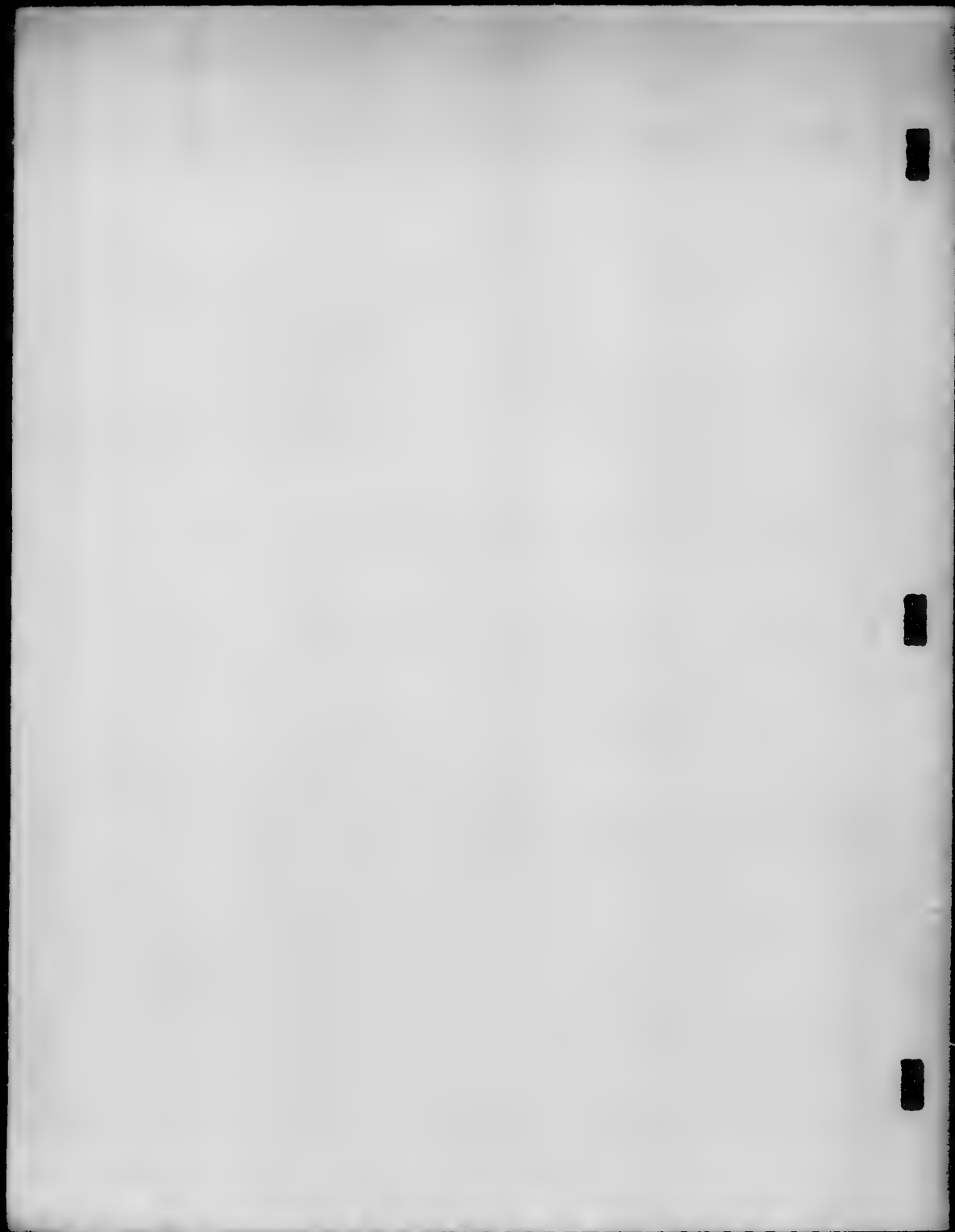


"Mc"

- McHone, S. L. "Bud" - resolution of appreciation and commendation upon retirement 103
- McIntosh, Carl - claim against the city 158
- McDowell Street - Announcement of public hearing being held by State to widen street. 208
- McKissick, M. E. - resolution authorizing the city manager to execute sales contract
for purchase of property at corner of Eagle and Spruce Street 244

<u>National Public Works Week - May 18-24, 1980 proclaimed as such.</u>	92
<u>N. C. 191 Connector - ordinance rezoning property at S. Bear Creek Road and this connector for Westland Mall was repealed.</u>	96
<u>N. C. Dept. of Transportation - execution of agreement for maintenance of traffic control devices on the State Highway System Streets within the City.</u>	142
<u>Noblett, Mary Ann - claim against the city</u>	158
<u>N.C. DOT- r/w agreement for sewer line replacement on Highway N.C. 81</u>	172
<u>N.C. DOT - r/w agreement for water line on Highway 19-23</u>	172
<u>N.C. DOT - r/w agreements for a 2-inch water line on Jim Branch Road</u>	189
<u>Nuclear Fuel Shipments - complaints by Rubin Falk, President of Carolinians for Safe Energy relative to shipments being made through Asheville</u>	190
<u>N. C. League of Municipalities - invitation to 1980 Convention to members of Council</u>	190
<u>N. C. Dept. of Archives & History - Acceptance of grant w/this department for facade improvements to certain buildings in the downtown district.</u>	204
<u>N. C. Dept. of Transportation - Public hearing by this department for widening of McDowell Street - announcement of.</u>	208
<u>Nuclear Fuel Shipments - Legal Opinion relative to this by City Attorney.</u>	209
<u>N.C. Dept. of Transportation - agreement for signals and gates for Glendale Avenue and Bear Creek Road Railroad Crossings</u>	213
<u>Normandy Road - ordinance to demolish 22 Normandy Road - hearing scheduled, page hearing and 1st reading, page 239; 2nd reading, page 249; 3rd reading, page 254.</u>	214; 264
<u>N. C. League of Municipalities Convention - Announcement - October 19-21 in Raleigh</u>	261
<u>North Asheville Park - resolution deleting the North Asheville Park Project at the Swain Property site from further consideration by the City Council TABLED</u>	270
<u>N.C. Dept. of Transportation - r/w agreement for widening and improving Edgewood Road</u>	282
<u>N.C. Dept. of Transportation - release from a lease between the City of Asheville and Evelyn Giezantanner et al relative to the N.C. DOT's acquisition of r/w for the improvement of Valley Street.</u>	282
<u>N.C. Dept. of Transportation -agreement for snow and ice removal on certain state system streets.</u>	288
<u>N. C. League of Municipalities - Resolution supporting the League's Legislative Program</u>	289

<u>N.C. Dept. of Transportation - encroachment agreement for water and sewer line on Louisiana Avenue.</u>	1
<u>Naegele Advertising Company - rezoning property on Haywood Street - hearing scheduled, page 2; hearing and 1st reading, page 27; 2nd reading, page 37; 3rd reading, page 44 .</u>	2
<u>N.C. Dept. of Commerce - agreement entered into for Inspection Division to make inspections relative to the enforcement of the Federal Emergency Building Temperature Restriction Program.</u>	11
<u>Northwestern Bank - acceptance of r/w from Northwestern Bank in order to widen Lexington Avenue from College Street to Patton Avenue</u>	20
<u>Nutrition Month - Proclamation for month of March, 1980</u>	21
<u>N. C. Department of Transportation - Mayor authorized to sign a right-of-way encroachment agreement with this department for the construction of a 6-inch I.D. Steel Butt-Weld Water Main on Louisiana Avenue.</u>	33
<u>N. C. Department of Natural Resources & Community Development - Submission of an application authorized to this department for the Asheville Community Development - Urban Development Action Grant Program.</u>	34
<u>N. C. 191 Connector - Reconsideration was given to the 3rd reading to rezone property on S. Bear Creek Road and this Connector.</u>	43
<u>Newton, W. M. - A claim was received by this person.</u>	50
<u>National Boys Club Week - Mayor proclaimed the week of April 13-19, 1980 as such.</u>	58
<u>National Secretaries Week - Mayor proclaimed the week of April 14-19, 1980 as such.</u>	60
<u>N. C. Department of Transportation - Endorsement of highway, transit and aviation improvements for the Asheville Urban Area.</u>	70
<u>Naegele Sign Company - Sign approval at 80 Charlotte Street for this company.</u>	74
<u>N. C. Department of Transportation - Mayor authorized to notify this department of the City's approval of installation of crossing signals and gates at the intersection of Fairview Road and Southern Railway.</u>	76
<u>N. C. Federation of Women's Clubs - Mayor proclaimed the week of April 28, 1980 as such.</u>	78
<u>N. C. Department of Transportation - Filing of an application authorized with this department, Public Transportation Division, for state financial assistance in the form of a Transit Development Grant.</u>	81
<u>Nursing Home Week - Mayor proclaimed May 11-18, 1980 as such.</u>	85



"N" (cont'd)

<u>N.C. League of Municipalities</u> - resolution nominating and endorsing Mayor Roy M. Trantham for the office of third vice president of the N. C. League of Municipalities.	290
<u>Northwestern Bank Parking Garage</u> - sale of this property	300 314
<u>N. D. Dept. of Transportation</u> - agreement with City for Bridge Inspections	323
<u>Normandy Road</u> - report to be given relative to demolition of 22 Normandy Road Second report given relative to 22 Normandy Road	324 344
<u>North Carolina Department of Transportation</u> - plaque in appreciation to the City of Asheville	387
<u>Noblett, C. A. Mrs.</u> - claim against the city.	401
<u>North Carolina General Assembly</u> - resolution requesting the Buncombe County delegation of the North Carolina General Assembly to support an amendment to Chapter 802 of the 1971 Session Laws concerning the financial support of the Buncombe County Board of Tax Supervision.	404
<u>National Salute to Hospitalized Veterans</u> - proclamation of week of February 13, 1981.	418
<u>M. C. Department of Transportation</u> - Resolution #81-38, authorizing the Mayor to execute a Capital Improvement Mass Transit Grant Contract	428
<u>M. C. Department of Transportation</u> - Resolution #81-37, authorizing the Mayor of the City of Asheville to enter into an agreement with NCDOT for purpose of installing Traffic Signal Interconnect Cable under a State System Street	428
<u>North Fork Watershed</u> - Presentation of award - O'Brien and Gere Engineers	433
<u>North Carolina Department of Transportation</u> - Resolution No. 81-58 execute a Deed of Easement	449

Overbrook Drive - scheduling public hearing relative to site plan of proposed
apartment complex

503

<u>Office/Corporate Feasibility Study</u> - agreement entered into with Chamber of Commerce for this study to be done by the Fantus Company	10
<u>Ordinance No. 1084 (rezoning for the Westland Mall)</u> - Results of a petition protesting the rezoning of the Westland Mall.	89
<u>ORR, Mrs. Jan</u> - appointed to Asheville-Buncombe County Youth Council	252
<u>Organizations</u> - reports required from outside organizations receiving funds from the City of Asheville - first reading, page 294; second reading, page 300 ; third reading, page 300 .	294
<u>42 Orchard Street</u> - Sign Permit (Wright-Dobbins-Farnam Insurance Company	361
<u>Operating Budget</u> - Budget amendment	384
<u>Opportunity Corporation of Madison-Buncombe Counties</u> - resolution authorizing Mayor to sign a lease agreement for the use of Burton Street, Reid, and Shiloh Recreation Centers.	399
<u>Ordinance No. 1203</u> - An Ordinance to regulate the use of water during drought conditions ,	421
<u>Ordinance #1204</u> - Ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the motor vehicle registration requirements	423
<u>Ordinance #1203</u> - An Ordinance to regulate the use of water during drought conditions	430
<u>Ordinance #1204</u> - An Ordinance amending Section 28-154 of the Asheville Code of Ordinances to clarify the Motor Vehicle Registration Requirements	431
<u>O'Brien and Gere Engineers</u> - Presentation of Award - North Fork Watershed	433
<u>Ordinance No. 1203</u> - To regulate the use of water during drought conditions	437
<u>Ordinance No. 1206</u> - Amending the operating and capital budget for the City of Asheville for Fiscal Year 1980-81	438
<u>Ordinance No. 1207</u> - Amending Article V. (Asheville Revitalization Commission) of the Code of Ordinances of the City of Asheville to include expanded duties in connection with the Department of Economic Development	446
<u>Ordinance No. 1204</u> - Motor Vehicle Registration Requirement	457
<u>Ordinance No. 1208</u> - Amending Ordinance No. 322, Leicester Highway	465
<u>Ordinance No. 1209</u> - Amending Ordinance No. 322, an Ordinance providing for Zoning of the City of Asheville as amended	467
<u>Old Asheland Avenue</u> - Resolution No. 81-83 - renaming Tolula Lane	503

ORDINANCE NO. 1163

AN ORDINANCE DESIGNATING CERTAIN FUNCTIONS
AND RESPONSIBILITIES TO THE DIRECTOR OF
FINANCE

1st Reading - 50
2nd Reading - 50
3rd Reading - 50

ORDINANCE NO. 1164

AN ORDINANCE DIRECTING THE HOUSING OFFICER
TO DEMOLISH THE DWELLING HOUSES KNOWN AS
48 AND 53 BLALOCK AVENUE

1st Reading - 52
2nd Reading - 59
3rd Reading -
Tabled - 63

ORDINANCE NO. 1165, AS AMENDED

AN ORDINANCE AMENDING CHAPTER 25 OF THE
CODE OF ORDINANCES ENTITLED "STREETS &
SIDEWALKS"

1st Reading - page 62
2nd Reading - page 69
3rd Reading - page 80

ORDINANCE NO. 1166

AN ORDINANCE TO EXTEND THE CORPORATE
LIMITS OF THE CITY OF ASHEVILLE, NORTH
CAROLINA (portion of Regent Park)

1st Reading - page 68
2nd Reading - page 68
3rd Reading - page 68

ORDINANCE NO. 1167, AS AMENDED

AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE," AS
AMENDED (rezoning property at the corner
of Yorkshire & Reed Streets)

1st Reading - page 79
2nd Reading - page 87
3rd Reading - page
Postponed - page 83

ORDINANCE NO. 1169

AN ORDINANCE AMENDING THE OPERATING
AND CAPITAL BUDGET FOR THE CITY OF
ASHEVILLE FOR FISCAL YEAR 1979-80
(Summarizing and ratifying budget
amendments through March 31, 1980)

First Reading - 141
Second Reading - 141
Third Reading - 141

ORDINANCE NO. 1170

AN ORDINANCE ADOPTING AND APPROPRIATING
THE OPERATING BUDGET AND FIXING THE TAX
RATE OF THE CITY OF ASHEVILLE FOR
THE FISCAL YEAR 1980-81

First Reading - 154
Second Reading - 161
Third Reading -

ORDINANCE NO. 1171

AN ORDINANCE IMPOSING A LIMITED
MORATORIUM ON DEVELOPMENT IN THE
BEAVERDAM VALLEY AREA

First Reading 170
Second Reading 170
Third Reading 171

ORDINANCE NO. 1172

AN ORDINANCE ESTABLISHING FLOOD PLAIN
REGULATIONS FOR THE CITY OF ASHEVILLE,
NORTH CAROLINA

First Reading 175
Second Reading 240
(Tabled 249) Third Reading 255

ORDINANCE NO. 1173

AN ORDINANCE AMENDING ORDINANCE NO. 322
KNOWN AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE", AS
AMENDED (Rezoning property located
on Clayton Street)

First Reading 178
Second Reading 200
Third Reading 212

ORDINANCE NO. 1174

AN ORDINANCE AMENDING ORDINANCE NO. 322
KNOWN AS "AN ORDINANCE PROVIDING FOR
THE ZONING OF THE CITY OF ASHEVILLE"
AS AMENDED (rezoning property at the
corner of Emma Road and Bingham Rd.)

First Reading 178
Second Reading 200
Third Reading 212

"ORDINANCES"

ORDINANCE NO. 1157

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property corner of Haywood Road and Cloyes Street)

First Reading (Minute Book 46)
Second Reading - 1
Third Reading - 6

ORDINANCE NO. 1152

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property at the corner of Patton Avenue and Pearl Streets)

First Reading (Minute Book 46)
Second Reading 9
Third Reading 9

ORDINANCE NO. 1146

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District)

First Reading (Minute Book 46)
Second Reading 17
Third Reading 25

ORDINANCE NO. 1084

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property on South Bear Creek Road and N. C. 191 Connector)

First Reading (Minute Book 46)
Second Reading " "
Third Reading Page 32
Minute Book 47

Reconsideration of 3rd reading -
Minute Book 47 - page 43

ORDINANCE NO. 1158

AN ORDINANCE RESCINDING ORDINANCE NO. 1129, KNOWN AS "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO PROCEED WITH THE DEMOLITION AND REMOVAL OF 230 MONTFORD AVENUE"

First Reading - 23
Second Reading - 23
Third Reading - 23

ORDINANCE NO. 1159

AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

First Reading 23
Second Reading 23
Third Reading 24

ORDINANCE NO. 1160

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property on Haywood Road)

1st Reading - 27
2nd Reading - 37
3rd Reading - 44

ORDINANCE NO. 1161

AN ORDINANCE AMENDING SECTIONS 28-48 (DRIVING WITHIN SIDEWALK AREA) AND 28-95 (PARKING PROHIBITED IN SPECIFIED PLACES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO FURTHER RESTRICT THE PARKING OF VEHICLES

1st Reading - 44
2nd Reading - 44
3rd Reading - 53

ORDINANCE NO. 1162

AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

1st Reading - 44
2nd Reading - 54
3rd Reading - 58

ORDINANCE NO. 1184

AN ORDINANCE AMENDING SECTION 28-82.2 OF ARTICLE IV (SPEED REGULATIONS OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

First reading 251
Second reading 254
Third reading 265

ORDINANCE NO. 1185

AN ORDINANCE AMENDING SECTION 15 OF THE REVENUE ORDINANCE (ORDINANCE NO. 1027) OF THE CITY OF ASHEVILLE DELETING A PORTION OF THE CLASSIFICATION FOR JUNK DEALERS

First reading 258
Second reading 258
Third reading

ORDINANCE NO. 1186

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA (Regent Park)

First Reading 268
Second Reading 268
Third Reading 268

ORDINANCE NO. 1187

AN ORDINANCE RESTRICTING USE OF THE CIVIC CENTER PARKING GARAGE TO PATRONS OF SAID FACILITY

First Reading 269
Second Reading 269
Third Reading 269

ORDINANCE NO. 1188

AN ORDINANCE AMENDING SECTION 28.82.2 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO CHANGE THE LOCATION OF THE SCHOOL ZONE FOR HAW CREEK ELEMENTARY SCHOOL

First Reading 286
Second Reading 286
Third Reading 286

ORDINANCE NO. 1189

AN ORDINANCE AMENDING SECTION 28.82.3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD EMMANUEL LUTHERAN SCHOOL TO THE LIST OF PAROCHIAL AND DAY SCHOOLS FOR WHICH THE SPEED LIMIT HAS BEEN SET AT TWENTY-FIVE MILES PER HOUR

First Reading 294
Second Reading 294
Third Reading 294

ORDINANCE NO. 1190

AN ORDINANCE AMENDING SECTION 236 OF THE 1945 CODE OF ORDINANCES RELATING TO REPORTS REQUIRED FROM OUTSIDE ORGANIZATIONS RECEIVING FUNDS FROM THE CITY OF ASHEVILLE

First Reading 294
Second Reading
Third Reading

ORDINANCE NO. 1191

AN ORDINANCE AMENDING ORDINANCE NO. 1172 KNOWN AS "AN ORDINANCE ESTABLISHING FLOOD-PLAIN REGULATIONS FOR THE CITY OF ASHEVILLE, NORTH CAROLINA."

First Reading
Second Reading 308
Third Reading 308

ORDINANCE NO. 1192 -

AN ORDINANCE TO RESCIND AND REPLACE SECTION 25-4 OF THE CODE OF ORDINANCES RELATING TO LOITERING ON PUBLIC STREETS AND SIDEWALKS OR IN PARKS AND OTHER PUBLIC AREAS

First Reading 308
Second Reading 313
Third Reading 322

ORDINANCE NO. 1193 -

AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81

First Reading 309
Second Reading 309
Third Reading 309

ORDINANCE NO. 1175

AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Including "Group Homes for the Developmentally Disabled Adults" in all residential zoning districts and OI-Office Institutional District)

First Reading 179
Second Reading 201
Third Reading 213

ORDINANCE NO. 1176

AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1979-80 (summarizing and ratifying budget amendments made through June 26, 1980)

First Reading 187
Second Reading 187
Third Reading 187

ORDINANCE NO. 1177

AN ORDINANCE ESTABLISHING THE SIXTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AS A CAPITAL PROJECT FOR THE CITY OF ASHEVILLE

First Reading 189
Second Reading 189
Third Reading 189

ORDINANCE NO. 1178

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property located at N. Louisiana Avenue and Hazel Mill Road)

First Reading 210
FAILED ON FIRST READING

ORDINANCE NO. 1179

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED" - (Including Article 12-The Montford Historic District)

First Reading, 219 (FAILED)

ORDINANCE NO. 1180

AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property located on Beaverdam Road)

First Reading 221
Second Reading 233
Third Reading

ORDINANCE NO. 1181

AN ORDINANCE IMPOSING A MORATORIUM ON DEVELOPMENT OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS WITHIN THE JURISDICTION OF THE CITY OF ASHEVILLE

First Reading 221
Second Reading 234
Third Reading 240

ORDINANCE NO. 1182

AN ORDINANCE AMENDING ORDINANCE NO. 1159, "AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE"

First Reading
Second Reading
Third Reading

ORDINANCE NO. 1183

AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 135 BROOKLYN ROAD, 22 NORMANDY ROAD, AND 18 WEAVER HILL

First Reading 239
Second Reading 249
Third Reading 254 -264

ORDINANCE NO. 1207 - AN ORDINANCE
AMENDING ARTICLE V (ASHEVILLE
REVITALIZATION COMMISSION) OF THE
CODE OF ORDINANCES OF THE CITY
OF ASHEVILLE TO INCLUDE EXPANDED
DUTIES IN CONNECTION WITH THE
DEPARTMENT OF ECONOMIC DEVELOPMENT

First Reading 446
Second Reading 446
Third Reading 447

ORDINANCE NO. 1208 - AN ORDINANCE
AMENDING ORDINANCE NO. 322, KNOWN
AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE,
AS AMENDED (LEICESTER HIGHWAY)

First Reading 467
Second Reading 473
Third Reading 473

Ordinance No. 1209 - AN ORDINANCE
AMENDING ORDINANCE NO. 322, KNOWN
AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE,
AS AMENDED

First Reading 468
Second Reading 502
Third Reading

ORDINANCE NO. 1205 - AN ORDINANCE
AMENDING ORDINANCE NO. 322, KNOWN
AS "AN ORDINANCE PROVIDING FOR THE
ZONING OF THE CITY OF ASHEVILLE,
AS AMENDED - 788 FAIRVIEW ROAD

First Reading 453
Second Reading 468
Third Reading 502

ORDINANCE NO. 1194
AN ORDINANCE REPEALING CHAPTER 4A
("AMBULANCES") OF THE ASHEVILLE
CODE OF ORDINANCES

First Reading 314
Second Reading 322
Third Reading 323

ORDINANCE NO. 1195
AN ORDINANCE AMENDING ORDINANCE
NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE
CITY OF ASHEVILLE" AS AMENDED.

First Reading 327
Second Reading 339
Third Reading 352

ORDINANCE NO. 1196
AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED

First Reading 330
Second Reading 340
Third Reading 353

ORDINANCE NO. 1197
AN ORDINANCE AMENDING ORDINANCE
NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE
CITY OF ASHEVILLE," AS AMENDED

First Reading 338
Second Reading 351
Third Reading 384

ORDINANCE NO. 1198
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED.

First Reading 339
Second Reading 351
Third Reading 384

ORDINANCE NO. 1199
AN ORDINANCE AMENDING ORDINANCE NO.
322, KNOWN AS "AN ORDINANCE PROVIDING
FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED (rezoning
property at the corner of Hazel
Hill Road and Hansel Street).

First Reading 380
Second Reading 389
Third Reading

ORDINANCE NO. 1200
AN ORDINANCE AMENDING THE WATER
AND SEWER CAPITAL CONSTRUCTION FUND
CAPITAL PROJECTS ORDINANCE IN EFFECT
AS OF JULY, 1980.

First Reading 385
Second Reading
Third Reading

ORDINANCE NO. 1201
AN ORDINANCE AUTHORIZING THE CREATION
OF A SUPPLEMENTAL ANNUITY FUND FOR
CERTAIN FORMER CITY EMPLOYEES AND
SURVIVING SPOUSES WHO ARE RECEIVING
PENSION BENEFITS FROM THE ASHEVILLE
POLICEMEN'S PENSION AND DISABILITY
FUND OR THE NORTH CAROLINA LOCAL
GOVERNMENTAL EMPLOYEES RETIREMENT
SYSTEM.

First Reading 388
Second Reading 399
Third Reading 399

ORDINANCE NO. 1202
AN ORDINANCE REPEALING SECTION 27-4
(REGARDING INSURANCE FOR TAXICABS)
OF THE ASHEVILLE CODE OF ORDINANCES

First Reading 409
Second Reading 413
Third Reading 413

ORDINANCE NO. 1203
AN ORDINANCE TO REGULATE THE USE
OF WATER DURING DROUGHT CONDITIONS

First Reading 422
Second Reading 430
Third Reading 438

ORDINANCE #1204
AN ORDINANCE AMENDING SECTION
28-154 OF THE ASHEVILLE CODE
OF ORDINANCES TO CLARIFY THE
MOTOR VEHICLE REGISTRATION
REQUIREMENTS

First Reading 423
Second Reading 458
Third Reading 468

Ordinance #1206
AN ORDINANCE AMENDING THE
OPERATING AND CAPITAL BUDGET
FOR THE CITY OF ASHEVILLE
FOR FISCAL YEAR 1980-81

First Reading 438

<u>Parks and Recreation Department</u> - Bids awarded to Silverman Company for corrugated steel pipe for this department.	54
<u>Pipe</u> - Bids awarded to Silverman Company for corrugated steel pipe for the Parks and Recreation Department.	54
<u>Proclamation</u> - The week of April 13-19, 1980 as "National Boys Club Week."	58
<u>Proclamation</u> - The week of April 14-19, 1980 as "National Secretaries Week."	60
<u>Proclamation</u> - The week of April 13-19, 1980 as "Private Property Week."	60
<u>Private Property Week</u> - Mayor proclaimed the week of April 13-19, 1980 as such.	60
<u>Proclamation</u> - The days of April 13-19, 1980 as "Days of Remembrance of Victims of the Holocaust."	60
<u>Parcels</u> - Approval of sale of disposal parcels in the East Riverside Renewal Project.	63
<u>Property, Surplus</u> - Director of Finance authorized to sell a P & H Crane in the Public Works Department.	65
<u>Public Works Department</u> - Director of Finance authorized to sell a P & H Crane from this department.	65
<u>Property, Surplus</u> - Director of Finance authorized to sell surplus fire alarm telegraph equipment in the Fire Department.	65
<u>Park Maintenance Division</u> - Bids awarded to E. J. Smith & Sons for 6 high-wheel mowers, 26" cut, for this division and the Riverside Cemetery.	66
<u>Proclamation</u> - April 20-26, 1980 proclaimed as "State of Israel Week."	66
<u>Proclamation</u> - April 20-26, 1980 proclaimed as "Volunteer Recognition Week."	67
<u>Proclamation</u> - April 22, 1980 proclaimed as "Earth Day."	67
<u>Property, Surplus</u> - Director of Finance authorized to sell a Model 12-G A. C. Front End Tractor in the Public Works Department.	76
<u>Public Works Department</u> - Director of Finance authorized to sell a Model 12-G A.C. Front End Tractor in this department	76
<u>Proclamation</u> - April 27 - May 3, 1980 proclaimed as "HOSA - Health Career Week."	77

<u>Price, Councilwoman</u> - commended for being sworn to State Milk Commission member	4
<u>Proclamation</u> - National Salute to Hospitalized Veterans Day - February 14, 1980	4
<u>Patton and Pearl Street</u> - property rezoned at the corner of these streets for the construction of the Greyhound Bus Station	7
<u>Pine Street Water and Sewer Improvements</u> - grant offer accepted from State Water Bond funds - assurances made therein - for this project	9
<u>Petition</u> - received from taxicab company for increase in rates	13
<u>Patton, Hunter and Company</u> - awarded contract for audit for year ending June 30, 1980	19
<u>Proclamation</u> - National Nutrition Month - March, 1980	21
<u>Pine Street Water and Sewer Improvements</u> - authorizing application for Appalachian Regional Commission Funds for this project.	26
<u>Police Department</u> - Ralph Bishop spoke relative to the Police Department	26
<u>Proclamation</u> - March 14-15, 1980 as Miss N.C. U.S.A. 1980 Pageant Days.	34
<u>Proclamation</u> - April 30, 1980 - April 31, 1981 as Beta Sigma Phi Year.	35
<u>Perry, Debra Ruth</u> - Mayor authorized to execute right-of-way encroachment agreement with this person regarding a portion of Hiwassee Street.	41
<u>Parking Program, Demonstration</u> - This program is extended through June 30, 1980.	42
<u>Pay Day '80</u> - City Council endorsement of this project.	42
<u>Parking</u> - Restriction of the parking of vehicles - 1st reading - page 44; second reading - page 44; third reading - page .	
<u>Petition</u> - City Clerk directed to investigate a petition from portion of owners of Regent Park requesting annexation - page 46; hearing date set - page 55 ; hearing & 1st reading - page 68 ; 2nd reading - page 68 ; 3rd reading - page 68 .	
<u>Police Department Identification Program</u> - Bids awarded to Ball Photo Supply of N. C., Inc. for photographic equipment for this program.	47
<u>Price, Norma T.</u> - This Councilwoman questioned the identification of companies doing work on the streets.	48
<u>Price, Norma T.</u> - This Councilwoman commended the employees who keep the City Hall Building clean.	48
<u>Proclamation</u> - Month of April, 1980, as Clean Sweep Month.	51
<u>Proclamation</u> - April 3, 1980 as Youth in City Government Day.	52
<u>Parking</u> - Curbs, median strips and planted areas added to the list of prohibited parking places and would also prohibit driving over curbs.	53

<u>Praytor, Jackie</u> - presented claim against the city	100
<u>Proclamation</u> - week of May 18-24, 1980 - National Insurance Women's Week.	102
<u>Proclamation</u> - Week of May 25-31, 1980 - Rescue Mission Week	102
<u>Poplar-Charlotte Street Sidewalks</u> - contract for this project awarded to Warren Brothers Company	136
<u>Proclamation</u> - National Recreation and Park Month, June, 1980	138
<u>Parks and Recreation</u> - Resolution commending Herbert C. Allen, retiring employee of the Parks and Recreation Department- McCormick Field	140
<u>Planning Department</u> - Budget Amendment of Fiscal 1979-80 Operating Budget for aerial photographs - Amendment in the amount of \$9,900.	141
<u>Parks and Recreation Department</u> - Budget Amendment in the amount of \$2,500 for Hillcrest Community Center	142
<u>Parks and Recreation Department</u> - bids for 1980 pool chemicals approved	143
<u>Police Chief</u> - appointed as a member of the Asheville-Buncombe County Community Relations Council..	143
<u>Price, Mr. Graham</u> - reappointed a member of the Zoning Board of Adjustments	144
<u>Pritchard Park Area</u> - discussion relative to public drunks	146
<u>Proclamation</u> - Flag Day through Independence Day - Period of Honor America	158
<u>Police Department</u> - comments made by Ralph Bishop	159
<u>Parking</u> - declaring certain holidays as free parking days for downtown Asheville	162
<u>Pack Square Plaza</u> - contract with Buchanan Concrete Contracting Company for this project.	164
<u>Police Department</u> - bids for five (5) mobile radios installed for Asheville Police Department.	164
<u>Police Department</u> - bids for portable burglary robbery stake out alarm for Asheville Police Department.	164
<u>Petition</u> - presented to Council relative to opening of Maple Street or Ardmore Street	166 174
<u>Parris, James H., Jr.</u> - resolution of appreciation and commendation upon retirement	167
<u>Police Dept.</u> - recognition of Cpt. C. R. Beaver upon graduation of FBI Academy	167

<u>Proclamation</u> - April 24, 1980 proclaimed as "Parks and Recreation Volunteer Recognition Day."	78
<u>Parks and Recreation Volunteer Recognition Day</u> - April 24, 1980 proclaimed as such.	78
<u>Proclamation</u> - April 30, 1980 - April 31, 1981 proclaimed as "Beta Sigma Phi Year."	78
<u>Proclamation</u> - May 1-7, 1980 proclaimed as "Respect for Law Week."	78
<u>Proclamation</u> - The week of April 28, 1980 proclaimed as "N. C. Federation of Women's Clubs."	78
<u>Pack Square, South</u> - Mayor authorized to execute a right-of-way encroachment agreement with Morris, Golding, Blue & Phillips, P.A. regarding a portion of this square.	81
<u>Paving Contract, 1979-80</u> - Mayor authorized to sign a contract with Asheville Paving Company for this project.	84
<u>Proclamation</u> - May 11-18, 1980 as "Nursing Home Week."	85
<u>Proclamation</u> - May 11-17, 1980 as "Small Business Week."	85
<u>Proclamation</u> - May 11-17, 1980 as "Senior Center Week."	85
<u>Petition</u> - Report from the Board of Elections relative to the petition protesting the rezoning for the Westland Mall.	89
<u>Pipe, Ductile Iron</u> - Bids awarded to Municipal & Utility Supply for this pipe for the Water Maintenance and Construction Division.	91
<u>Pack Memorial Library, 67 Haywood Street</u> - Bids awarded to Minnesota Mining and Manufacturing Company to install and furnish full circulating book detection system for this Library.	91
<u>Park Maintenance</u> - Bids awarded on a per item basis to Porter Brothers for 1 Flair Mower and to E. J. Smith & Sons for 9 Weedeaters and 4 Commercial Mowers for this division, Malvern Hills and Walton Street Pools and Riverside Cemetery.	92
<u>Porter Brothers</u> - Bids awarded to this company for 1 flair mower for the Park Maintenance Division, Malvern Hills and Walton Street Pools and Riverside Cemetery.	92
<u>Proclamation</u> - May 18-24, 1980 proclaimed as "National Public Works Week."	92
<u>Paving Contract, 1979-80</u> - Correction on bids received from Asheville Paving Company relative to this contract.	93
<u>Proclamation</u> - May 18-24, 1980 proclaimed as "Stamp Collecting Week."	93
<u>Parks</u> - lease of Pavilion at the Asheville Recreation Park to Jack and Mitzi Tessier notice of intent to lease, page 99 - lease approved, page .	

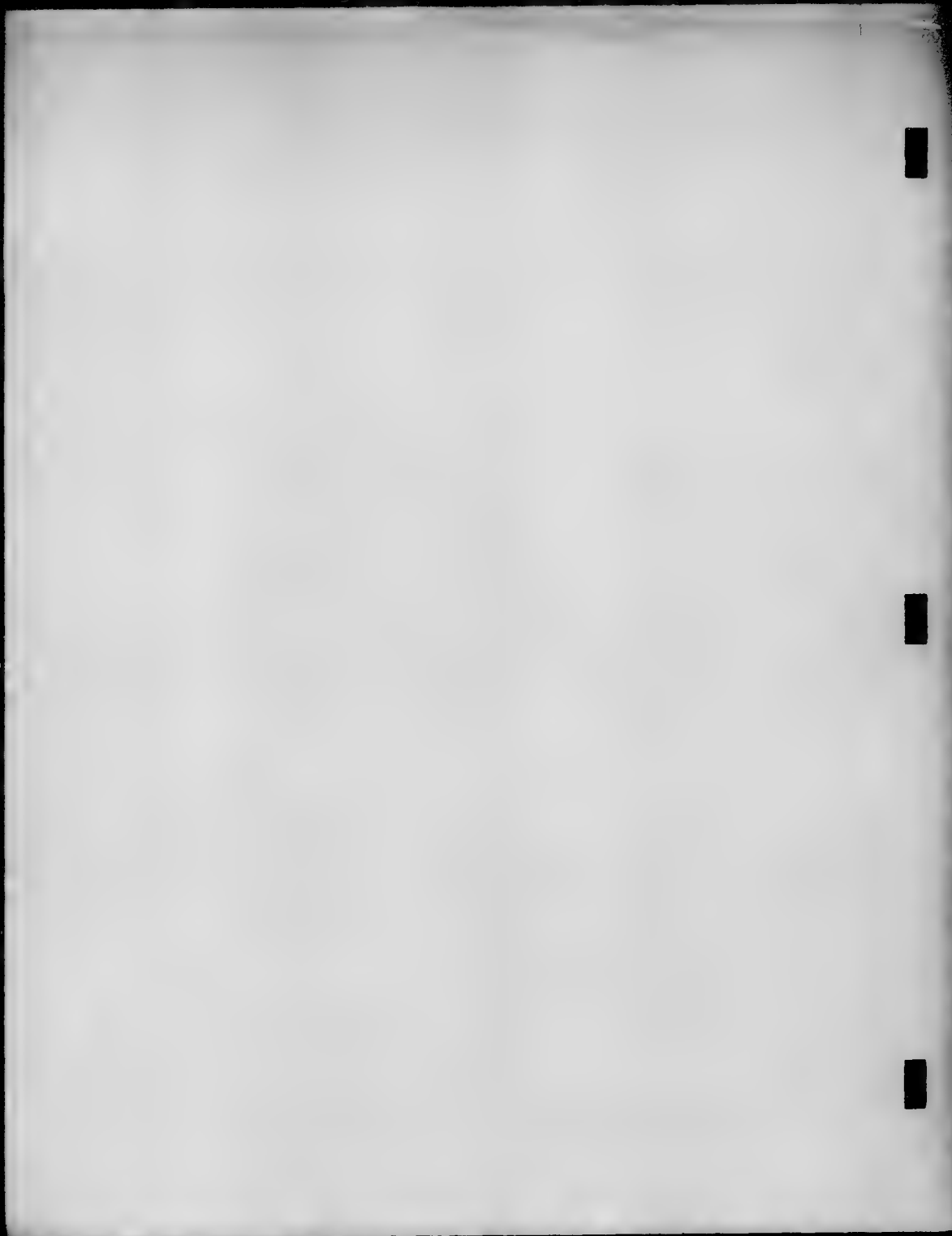
<u>Parks and Recreation Dept - Legal assistance provided to employee in suit</u>	261
<u>Pack Square Renovation - authorization for mayor to sign on behalf of city with Daniel Construction Company</u>	261
<u>Pension - Payment to Mrs. E. C. Messer</u>	261
<u>Proclamation - Constitution Week for September 17 - 23, 1980</u>	266
<u>Parking Garage - ordinance restricting use of the Civic Center Parking Garage to patrons of said facility</u>	269
<u>Park, North Asheville - Resolution deleting the North Asheville Park project at the Swain property site from further consideration by the City Council</u>	270
<u>Proclamation - Councilman Boland requested Council to proclaim Asheville Symphony Week</u>	272
<u>Planning and Zoning - resolution directing the Housing Authority, to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the proposed Strouse-Greenberg Project</u>	272
<u>Proclamation - National Executive Housekeeper's Week - September 14-20, 1980</u>	274
<u>Planning and Zoning - Letter from Bill Frue, Chairman of Commission, re: Butler Associates Report of 9/10/80</u>	274
<u>Parks and Recreation - authorizing Director of Parks and Recreation to seek grant funding from the N. C. Youth Advisory Council for the Buncombe County Special Olympics Project of the Asheville-Buncombe County Youth Council.</u>	277
<u>Proclamation - Fire Prevention Week - October 5 - 11, 1980</u>	279
<u>Psychos, John - claim against the city</u>	283
<u>Proclamation - Farm City Week - October 6 - 11, 1980</u>	283
<u>Police Chief - Comments by Ralph Bishop</u>	283
<u>Property - Resolution relative to the sale of property on Choctaw Street to Rev. Wesley Grant</u>	287
<u>Property - resolution authorizing the purchase of the E. Ted Linn Property on Valley Street</u>	287
<u>Proclamation - Alpha Delta Kappa Week - October 12 - 18, 1980</u>	291
<u>Proclamation - Fall Arts Festival - October 9, 1980 - October 19, 1980</u>	291
<u>Purchase Orders Outstanding - Budget Amendment - City of Asheville Annual Operating Budget</u>	294
<u>Patton Avenue, 770 - approval of sign permit for Moss Auto Sales</u>	295
<u>Proclamation - October 24, 1980 - United Nations Day</u>	298

<u>Petition</u> - from residents of Parkway Place requested street name change Parkway Place to Sourwood Lane - East	190
<u>Parkway Place</u> - request from residents for street name change to Sourwood Lane - East.	190
<u>Parks & Recreation Dept.</u> - Budget amendment for continuation of Hillcrest Parenting Program.	203
<u>Power, Electric</u> - Agreement w/CP & L for pumping station on Sweeten Crk. Rd.	204
<u>Petition</u> - Report from City Mgr. on request to open Maple/Ardmore Street.	207
<u>Proclamation</u> - By Mayor - Aid to Mentally Retarded Month - July 1980.	208
<u>Pine Street Improvements</u> - Budget Amendment - Community Development Fund Budget	213
<u>Property</u> - authorizing Director of Finance to sell surplus property	216
<u>Proclamation</u> - Bele Chere Festival Days - August 14, 15, 16, 1980	218
<u>Parks and Recreation Dept. Budget</u> - Budget Amendment re: Hillcrest Community Center	223
<u>Pack Square Revitalization Project</u> - budget amendment - capital projects fund	234
<u>Parks and Recreation Dept.</u> - budget amendment relative to Federal Grants Program Budget	235
<u>Petition</u> - resolution directing the city clerk to investigate (Regent Park Area) (annexation)	235
<u>Planning and Zoning Commission</u> - appointment of member by resolution	237
<u>Page, David R.</u> - claim	238
<u>Proclamation</u> - August 14, 1980 - Nationwide Prayer Day	238
<u>Prayer</u> - August 14, 1980 proclaimed Nationwide Prayer Day	238
<u>Proclamation</u> - 1981 as International year of Disabled Persons	238
<u>Property</u> - Resolution authorizing the City Manager to execute sales contract for purchase at corner of Eagle and Spruce Street	244
<u>Parking</u> - Resolution authorizing a permanent, non-metered on-street program	244
<u>Pruitt, Jack</u> - claim	247
<u>Proclamation</u> - August 26, 1980 - Women's Equality Day	247
<u>Parks, Ms. Helen</u> - appointed to Asheville-Buncombe County Youth Council	252
<u>Plemmons, Arba Mae</u> - Claim against the city	252

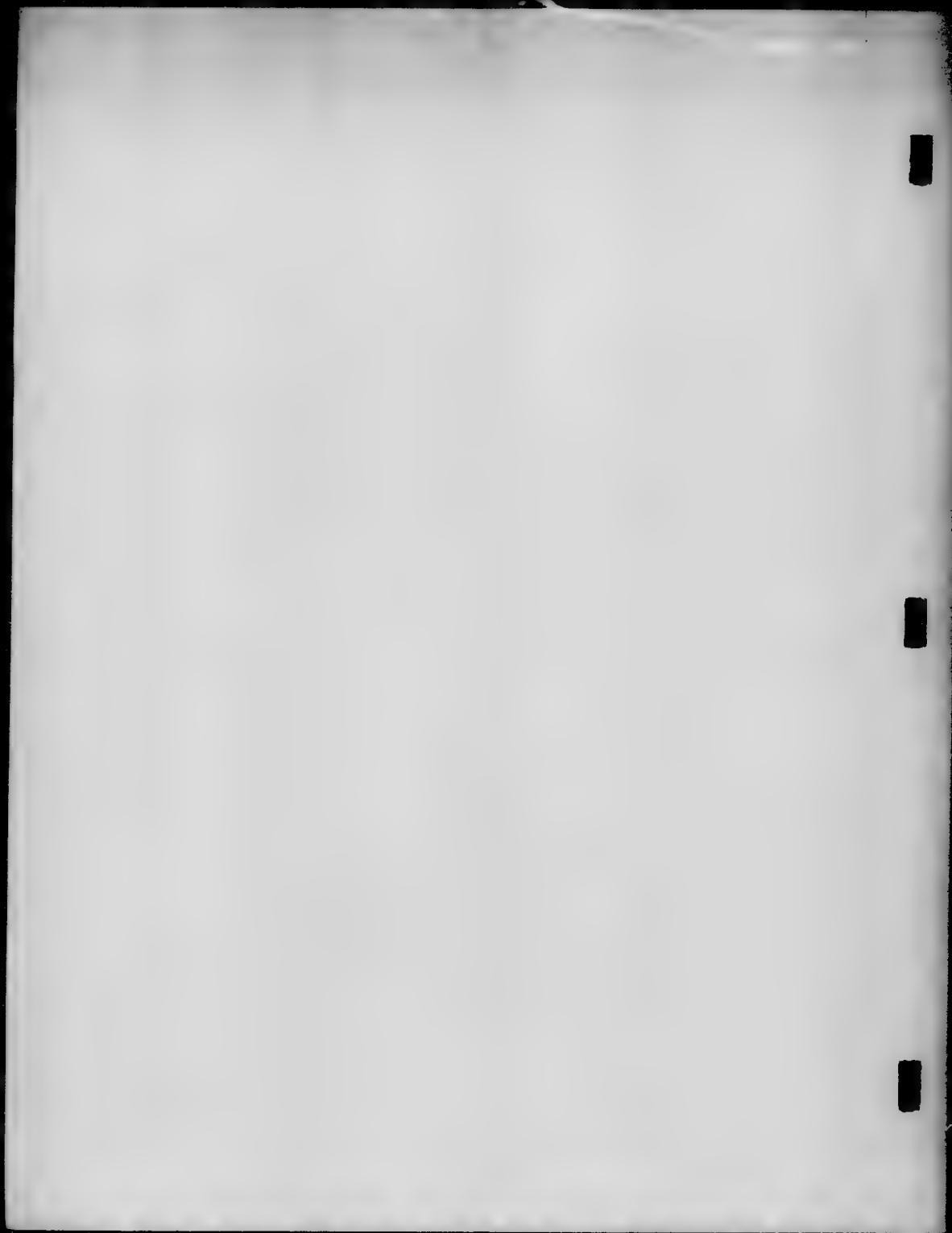
<u>Police Department</u> - authorizing the disposition of Municipal Records at the Police Department.	316
<u>Planning Department</u> - to hold public hearing re application to the Dept. of HUD for UDAG Grant (Downtown - Lexington Avenue)	316
<u>Property</u> - report relative to offer to purchase property in Knollwood Subdivision owned by the City.	317
<u>Policemen's Pension</u> - Retired policemen and survivors appeared before Council relative to an increase in their pension payments.	317
<u>Pension</u> - retired policemen and survivors appeared before Council relative to an increase in their pension payments.	317
<u>Proclamation</u> - Family Week - November 23 - 29, 1980	324
<u>Proclamation</u> - Parents Without Partners Week - November 23 - 29, 1980	324
<u>Parents Without Partners</u> - Proclamation for week of November 23 - 29, 1980	324
<u>Proclamation</u> - Bible Week - November 23 - 29, 1980	323
<u>Police Pension Plan</u> - Councilman Brownlee requested discussion of Retired Police Pension Report.	387
<u>Petition</u> - To rename a section of Tulula Street to/Asheland Avenue	387
<u>Police Cars</u> - Budget Amendment - annual operating budget - purchase of police cars.	391
<u>Parker, Sherry</u> - Claim against city	394
<u>Pickelsimer, Charles</u> - claim against city	394
<u>Paponetti, Janet Ms.</u> - claim against city	394
<u>Proclamation</u> - Children's Dental Health Month, February, 1981.	406
<u>Proclamation</u> - Carl B. Hyatt Day, Friday, January 30, 1981.	406
<u>Planning and Zoning Commission</u> - Letters of sympathy requested for former members of Commission.	416
<u>Proclamation</u> - Black History Month (February, 1981)	416
<u>Price, Waterhouse, and Company</u> - resolution authorizing the City Manager to enter into an agreement with this Company.	417
<u>Proclamation</u> - National Salute to Hospitalized Veterans week of February 13, 1981.	418

"P" (cont'd)

<u>Proclamation - Share-A-Song Week</u> - October 27 - 31, 1980	299
<u>Property</u> - Sale of property at Northwestern Bank Parking Garage	300 , 314
<u>Petition</u> - Street Name Change - Street off Tunnel Road - Kenilworth Knoll	301
<u>Proclamation</u> - Asheville Symphony Week - October 25 - 31, 1980	301
<u>Proclamation</u> - Physical Fitness Day - October 25, 1980	301
<u>Proclamation</u> - October 31, 1980 - Unicef Day	301
<u>Police Department</u> - Comments by Ralph Bishop	301
<u>Physical Fitness Day</u> - Proclamation - October 25, 1980	301
<u>Proclamation</u> - World Premier Day - Film of Private Eyes - November 6, 1980	302
<u>Private Eyes Film</u> - Proclamation for World Premier Day - November 6, 1980	302
<u>Parks and Recreation</u> - Director of Parks and Recreation authorized to sign a lease agreement for use of the Asheville Civic Center for the 1981 Southern Regional Recreation and Parks Conference.	304
<u>Parks and Recreation</u> - Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for Transportation Services for the Elderly.	304
<u>Proclamation</u> - proclaiming the month of November as Crime Against the Elderly Prevention Month.	305
<u>Proclamation</u> - Water Conservation Week - October 26 - November 1	305
<u>Proclamation</u> - November as Epilepsy Month in Asheville	305
<u>Parking Lot</u> - lease agreement with County of Buncombe for parking lot (Ward 1, Sheet 1, Lot 249)	310
<u>Proclamation</u> - Lock Your Car Week - November 8 - 15, 1980	312
<u>Proclamation</u> - Youth Appreciation Week - Second week in November, 1980	312
<u>Police Department</u> - resolution of appreciation and commendation to Joseph E. Jarvis retiring from the City	313
<u>Parks and Recreation</u> - agreement with Asheville Area Chamber of Commerce for participation in the 1981 Western North Carolina Golf Club.	315
<u>Penley, Mayor Roy</u> - Letters of sympathy requested for families of Mayor Roy Penley and Claude Brock, former members of Planning and Zoning Commission.	416



<u>Pension Subsidy</u> - letter from B. E. Duyck relative to request for subsidy	418
<u>Price, Waterhouse and Company</u> - relative to providing professional services in the Implementation of a new Fiscal Management System	428
<u>Proclamation</u> - Circus Week - March 9 - 15, 1981	434
<u>Proclamation</u> - Girl Scout Week - March 8 - 14, 1981	434
<u>Proclamation</u> - Week of March 9, 1981 - Catholic School Week	434
<u>Petition</u> - RE: School Crossings	434
<u>Proclamation</u> - American Energy Week - March 15 - 21, 1981	443
<u>Patton Avenue</u> - Resolution 81-54 - purpose of maintaining an existing sewer line through their jointly owner property (Roberson's)	445
<u>Patton - Hunter Company</u> , Agreement - Water Department Charges	451
<u>Public Hearing</u> - Rezoning property at 788 Fairview Road	452
<u>Patton Avenue Area</u> - consider annexation - Resolution No. 81-65	455
<u>Public Hearing</u> - Group Development - Sky Harbor Factory Outlet Mall, State and Amboy	463
<u>Public Hearing</u> - Rezoning property along Leicester Highway	465
<u>Patton Avenue</u> - Public Hearing - rezoning property south of	467
<u>Park Avenue</u> - Public Hearing - rezoning property west of	467
<u>Public Hearing</u> - Scheduling relative to closing all of Short Granada and Wellington Streets and portions of Cordova Street, Granada Street Granada Circle, Parkway Drive, and Swannanoa Drive for May 7, 1981	470
<u>Pension Subsidies</u> - Inquiry Relative to	471
<u>Proclamation</u> - April 6 - 10- "Up With People"	471
<u>Proclamation</u> - April 3 - 11 "Health Fair Week"	471
<u>Patton Avenue Area</u> - Resolution No. 81-81 - extension of City Services into the area proposed for annexation	495
<u>Public Hearing</u> - relative to a site plan of proposed apartment complex to be constructed on Overbrook Drive for May 7	503
<u>Proclamation</u> - "Clean up litter Week" April 13 - 18, 1981	504
<u>Parker Fabric Company, Inc.</u> - Resolution No. 81-84 - authorizing the Mayor to execute a quitclaim deed	504



"Q"

<u>Quality Forward</u> - Budget amendment - annual operating budget fiscal year 1980-81	244
<u>Quality Forward</u> - discussion relative to sculpture committee recommendation	274
<u>Quality Forward</u> - Presentation - April - Clean Sweep Month	463

<u>Redevelopment Project</u> - execution of project completion agreement for East Riverside Redevelopment Project NC R-48.	156
<u>R/W Agreement</u> - with Gary Cooper Coffey for sewer line on Rash Road	156
<u>R/W Agreement</u> - with Beacon Manufacturing Company for water line on Swannanoa River Road	156
<u>Ramsey, Peggy Holland</u> - claim against the city	158
<u>Rash Road</u> - R/W Agreements with necessary people in order to construct a sanitary sewer line on Rash Road.	162
<u>Reed Creek Sewer Problems</u> - complaints by J. V. Corbin	190, 191
<u>Railroad Crossings</u> - agreement with N.C. DOT re: signals and gates for Glendale Avenue and Bear Creek Road railroad crossings.	213
<u>Rash Road/American Way Six-Inch Sewer Line</u> - contract awarded to Huntley Construction for this project.	214
<u>Rhoden, Dewey C.</u> - claim against the city	224
<u>Regent Park</u> - Resolution directing the city clerk to investigate a petition received under G.S. 160A-31 - annexation of property - page 268	235
<u>Riceville Community</u> - comments on annexation by Mrs. Jean Sales	242
<u>Revitalization</u> - Budget amendment for fiscal year 1980-81	243
<u>Rules</u> - Resolution for City Council	246
<u>Regent Park area</u> - resolution fixing date of public hearing on question of annexation	251
<u>Rhoades, Verne</u> - appointed to the Asheville-Buncombe Historic Resources Commission	252
<u>Revenue</u> - An ordinance amending Section 15 of the revenue ordinance - deleting junk dealers. First and Second reading, page 258; Third reading, page .	
<u>Rogers, Mrs. Roy</u> - complaint relative to water bills	267
<u>Recreation Board</u> - appointment of Mrs. Cliff (Amy) Hyatt	272
<u>Rice, Scolmia S.</u> - claim against the city	274
<u>Robinson, Mary</u> - claim against the city	274
<u>Riverview, East</u> - intent to close a portion of East Riverview, hearing scheduled, page 277; hearing held, page 311.	
<u>Recreation Board</u> - appointment of Frank T. Leppert and Richard Fain	278

<u>Revenue Sharing</u> - resolution supporting continuation of general revenue sharing program	18
<u>Reeves, Brownloe W.</u> - claim against the city	21
<u>Rotowitz, Ruth</u> - claim against the city	21
<u>Regent Park</u> - City Clerk authorized to investigate petition received from a portion of owners in this Park relative to annexation - page 46; hearing date set - page 55; hearing & 1st reading - page 68; 2nd reading - page 68; 3rd reading - page 68.	
<u>Resolution</u> - Central Asheville Association requested this be put into the minutes relative to proposed downtown mall.	48
<u>Rookard, Colene</u> - A claim was received from this person.	50
<u>Rookard, Colene</u> - A claim was received from this person.	55
<u>Reed Street</u> - Hearing date set relative to rezoning property at the corner of Yorkshire and this street as requested by owners Mr. and Mrs. Rush Jolly - page 60; hearing and 1st reading - page 79; 2nd reading - page 87; 3rd reading - page 98. 2nd Reading postponed - page 83.	
<u>Riverside Cemetery</u> - Bids awarded to E. J. Smith & Sons for six high-wheel, 26" cut mowers for Park Maintenance and this cemetery.	66
<u>Rice, J. T.</u> - A claim was received by this person.	
<u>Respect for Law Week</u> - May 1-7, 1980 proclaimed as such.	78
<u>Riverside Cemetery</u> - Bids awarded on a per item basis to Porter Brothers for 1 Flail Mower and E. J. Smith & Sons for 9 Weedeaters and 4 commercial mowers for Park Maintenance, Malvern Hills and Walton Street Pools and this cemetery.	92
<u>Revenue Sharing</u> - Public hearing relative to the General Revenue Sharing Funds for Fiscal Year 1980-81.	95
<u>Recreation Park</u> - Lease with Jack and Mitzi Tessier for pavilion at the Recreation Park. notice of intent, page 99 - lease approved, page 142.	99
<u>Ramsey, Mrs.</u> - Councilwoman Price discussed claim relative to this person	100
<u>Recreation Center</u> - Letter of thanks read - re: Mr. and Mrs. William Jones donating piano for use at Shiloh Recreation Center.	101
<u>Rescue Mission Week</u> - Proclamation for week of May 25-31, 1980	
<u>Revitalization Commission</u> - Mr. Ronald Brondyke appointed as a member of this Commission.	137
<u>Recreation</u> - Proclamation - National Recreation and Park Month - June, 1980	138

<u>Resolution 81-54</u> - Authorizing the Mayor to execute an easement agreement with Edwin Roberson, Gaynell Roberson, Paul B. Roberson, Mary H. Roberson, Hugh H. Roberson and Cecilia R. Roberson for the purpose of maintaining an existing sewer line through their jointly owner property along Patton Avenue	445
<u>Roberson, Edwin, Gaynell, Paul B., Mary H. Hugh H. Cecilia R.</u> Resolution 81-54 for the purpose of maintaining an existing sewer line through their jointly owner property along Patton Avenue	445
<u>Resolution No. 81-55</u> - Authorizing the Filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended	447
<u>Resolution No. 81-56</u> - Authorizing the establishment of street lighting policy for the City of Asheville	447
<u>Resolution No. 81-57</u> - Authorizing the Director of Finance to sell surplus property	447
<u>Resolution No. 81-58</u> - Resolution authorizing the Mayor of the City of Asheville to execute a Deed of Easement in favor of the North Carolina Department of Transportation	449
<u>Resolution No. 81-59</u> - Approving application for Preliminary Loan for Low Rent Public Housing	450
<u>Resolution No. 81-60</u> - Approving application for Preliminary Loan for Low Rent Public Housing	450
<u>Resolution No. 81-61</u> - Authorizing the execution of a cooperation agreement	450
<u>Resolution No. 81-62</u> - Authorizing the execution of a cooperation agreement	451
<u>Resolution No. 81-63</u> - Consider annexation of Chunn's Cove Area	454
<u>Resolution No. 81-64</u> - Consider annexation of Bingham Road Area	454
<u>Resolution No. 81-65</u> - Consider annexation of Patton Avenue Area	455
<u>Resolution No. 81-66</u> - Consider annexation of Sweeten Creek Road Area	455
<u>Resolution No. 81-67</u> - Authorizing the City Manager to sign revised memorandum of Understanding with Strouse-Greenberg Company extending date of the City's decision regarding the project, until September 1, 1981	458
<u>Resolution No. 81-68</u> - Asheville Catholic Community School Athletic Field and Playground	460
<u>Resolution No. 81-69</u> - Asheville Buncombe County Youth Council, presentation of the Battle of the Bands	460
<u>Resolution No. 81-70</u> - Authorizing Motor Transport Superintendent to dispose of property by private sale at a negotiated price	460
<u>Resolution No. 81-71</u> - authorizing the City Manager to sign contract for claims, Worker's Compensation Program	461

<u>Resolution No. 81-72</u> - Authorizing Acquisition and Lease of property in the Airport Expansion Project Area	461
<u>Resolution No. 81-73</u> Commending Asheville High School - Exchange Students	465
<u>Resolution No. 81-74</u> - Adjusting rental rate structure for the Asheville Civic Center Facilities	467
<u>Resolution No. 81-75</u> - Authorizing condemnation of property in the City Hall Parking Expansion Project Area	469
<u>Resolution No. 81-76</u> - Authorizing Mayor to enter into agreement with Southern Railway to widen the grade crossing on Twentieth Street	470
<u>Roberts Street</u> - Public Hearing - rezoning property east of	467
<u>Resolution No. 81-78</u> - Adopting and approving the plan for extension of City Services into the Area proposed for annexation-Generally described as Bingham Road Area	473
<u>Resolution No. 81-79</u> - Adopting and approving the plan for extension of City Services into the area proposed for annexation - Generally described as the Chunns Cove Area	479
<u>Resolution No. 81-80</u> - Adopting and approving the plan for extension of City services into the area proposed for annexation generally described as the Sweeten Creek Road Area	485
<u>Resolution No. 81-81</u> - Adopting and approving the plan for extension of city services into the area proposed for annexation generally described as the Patton Avenue area	495
<u>Resolution No. 81-82</u> - Authorizing City Manager to enter into a contract with Six Associates, Inc. for staffing services to the City of Asheville and the Asheville Revitalization and Economic Commission	503
<u>Resolution No. 81-83</u> - Renaming Tolula Lane to Old Asheland Avenue	503

<u>Resolution No. 81-36</u>	Resolution authorizing the Mayor to execute a capital improvement mass transit grant contract with the North Carolina Department of Transportation	428
<u>Resolution No. 81-37</u>	Resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the North Carolina Department of Transportation for the purpose of installing Traffic Signal Interconnect cable under a State System Street	428
<u>Resolution No. 81-38</u>	Resolution authorizing the City Manager to sign an agreement with the Management Improvement Corporation of America of Durham, North Carolina, to perform certain management assistance services	431
<u>Resolution No. 81-40</u>	Authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc., for the project known as Balsam Avenue Cul-de-sac.	433
<u>Resolution No. 81-41</u>	Authorizing the Mayor of the City of Asheville to execute an easement in favor of the North Carolina Department of Transportation	433
<u>Resolution No. 81-42</u>	Resolution authorizing the Mayor of the City of Asheville to execute an easement in favor of the Carolina Power and Light Company	433
<u>Resolution No. 81-43</u>	Authorizing the Mayor of the City of Asheville to execute easement in favor of the North Carolina Department of Transportation	433
<u>Resolution No. 81-44</u>	accepting the high bid and authorizing the sale of City Property, known as Starmount Drive	439
<u>Resolution No. 81-45</u>	appointing members of the Asheville School Board	439
<u>Resolution 81-46</u>	establishing and designating departments of the City as required by the City Charter	440
<u>Resolution 81-47</u>	authorizing the City Manager to enter into a memorandum of understanding between the City of Asheville and S. L. McHome, Jr.	440
<u>Resolution 81-48</u>	Resolution of intent to close an alley adjoining Boyd Avenue and calling a public hearing on the question for April 16, 1981	440
<u>Resolution No. 81-49</u>	Resolution authorizing John A. Powell to encroach upon the right-of-way of unnamed alley at 53 North Market Street	440
<u>Resolution 81-50</u>	authorizing the Mayor to sign on behalf of the City of Asheville a contract with W. W. Contracting Company, for the project known as Haw Creek Sewer Line	440
<u>Resolution no. 81-51</u>	authorizing the City Clerk to record deed located on New Haw Creek Road	443

"R" (cont'd)

R/W Agreement - East Asheville Youth, Inc. to construct a pump station	281
<u>Recreation</u> - authorizing Director of Parks and Recreation to sign a lease agreement for use of the Asheville Civic Center for the 1981 Southern Regional Recreation and Parks Conference.	304
<u>Records</u> - authorizing the disposition of municipal records at the Asheville Police Department.	316
<u>Rothrock, C. W.</u> - claim against city	387
<u>Redevelopment Plan</u> - Resolution authorizing the Mayor of the City of Asheville to sign an agreement with the Housing Authority for the preparation of a redevelopment plan.	389
<u>Recreation Centers</u> - Resolution authorizing the Mayor to sign a lease agreement with the Opportunity Corporation of Madison-Buncombe Counties for the Use of Burton Street, Reid, and Shiloh Recreation Centers.	399
<u>Recreation Park</u> - resolution consenting to the assignment of Lease agreement of Recreation Park by Johnson Amusement Rides, Inc. to Cebren P. Fisher.	400
<u>Redevelopment Commission</u> - resolution directing the AHA, acting in its capacity as a redevelopment commission to proceed to determine the applicability of Article 22, Chapter 160-500-526 for the area herein described (Depot Street).	402
<u>Recreation Advisory Boards</u> - resolution authorizing the City and County Recreation Advisory Boards to propose a plan for merger of the two Boards.	405
<u>Rodier, Mike</u> - claim against city	411
<u>Randolph School</u> - Attendance at installation of student Council by Councilman Wilkes.	416
<u>Ruff, Phillip</u> - claim against city	418
<u>Right-of-Way</u> - Resolution Authorizing the Mayor to execute a right-of-way agreement on Forest Hill Drive off Hendersonville Road	420
<u>Robinson, Eugene & wife Beulah</u> - right-of-way agreement on Forest Hill Drive off Hendersonville Road	420
<u>Resolution No. 81-35</u> - Authorizing the City Manager to enter into a contract with Price, Waterhouse and Company relative to providing professional services in the implementation of a new fiscal management system	428
<u>Resolution 81-39</u> Resolution authorizing application for State Water Bond Funds	432

<u>Six Associates, Inc.</u> - Mayor authorized to sign an agreement with this company for professional services.	55
<u>Shackelford, Attorney John</u> - This person spoke in behalf of Marvin Brewer, Ralph Uzell and Wendell Blair, former employees of the Water Department.	56
<u>Strouse-Greenberg Proposal</u> - Gene Ochsenreiter presented Council with a check for \$9,100 to help in meeting costs of this study.	58
<u>Strouse-Greenberg Proposal</u> - Wayne Caldwell asked questions about if the money used for this study was impartial.	60
<u>Street Division</u> - Bids awarded to Apple Tree Chevrolet, Inc. for one cab and chassis diesel truck with 5 to 6 yard dump bed for this division.	65
<u>Smith, E. J. & Sons</u> - Bids awarded to this company for six high-wheel mowers, 26" cut, for Park Maintenance and Riverside Cemetery.	66
<u>Silver's Grading & Trucking Contractors, Inc.</u> - Mayor authorized to sign a contract with this company for the Keebler Road 8-Inch Fireline.	66
<u>State of Israel Week</u> - April 20-26, 1980 proclaimed as such.	66
<u>Sign Permit</u> - Approval of a sign permit at 80 Charlotte Street for Naegele Sign Company.	74
<u>St. Eugene School Athletic Field and Playground</u> - Mayor authorized to enter into a lease agreement for this.	75
<u>Southern Railway</u> - Mayor authorized to notify the N. C. Department of Transportation of the City's approval of installation of crossing signals & gates at the intersection of Fairview Road and Southern Railway.	76
<u>Small Business Week</u> - Mayor proclaimed May 11-17, 1980 as such.	85
<u>Senior Center Week</u> - Mayor proclaimed May 11-17, 1980 as such.	85
<u>Solid Waste Collection System</u> - Bids awarded to Western Carolina Tractor Company for this system for Sanitation Division.	91
<u>Sanitation Division</u> - Bids awarded to Western Carolina Tractor Company for Solid Waste Collection System for this division.	91
<u>Sanitation Division</u> - Bids awarded to Arden Equipment Company for 1 industrial type rubber tired tractor/loader with "4 in 1" bucket for this division.	92
<u>Smith & Sons, E. J.</u> - Bids awarded to this company for 9 Weedeaters and 4 commercial mowers for Park Maintenance, Malvern Hills and Walton Street Pools and Riverside Cemetery.	92

"S"

<u>Street - alley off Fairfax Avenue closed - First Union National Bank and Grace Baptist Church</u>	5
<u>State Water Bond Funds -</u> accepted for the Pine Street Water and Sewer Improvements Project and assurances accepted therein	9
<u>State Water Bond Funds -</u> authorization to apply for funds for the French Broad River Water Line Project	9
<u>Streets and Sidewalks -</u> demolitions in downtown district prohibited the week before Thanksgiving through the first week in January - hearing scheduled, page 11, hearing and 1st reading, page 62 ; 2nd reading, page 69 ; 3rd reading, page 80 . - postponed - page 37.	11
<u>"Summit Complex" -</u> approval of group development plan - Phase I and Phase II - hearing scheduled, page 11 - hearing and approval, page 16.	
<u>Sluder, A. R. "Pitt"-</u> Resolution in memory of	15
<u>St. Joseph's Hospital-</u> closing of an unnamed alley located off Biltmore Avenue for St. Joseph's Hospital.	15 24 309
<u>Smoky Mountain Region of Porsche Club of America -</u> amendment to agreement relative to use of the Asheville Regional Airport.	19
<u>Signatures -</u> approving the use of facsimile devices	19
<u>Street -</u> acceptance of r/w from Northwestern Bank in order to widen Lexington Avenue from College Street to Patton Avenue.	20
<u>Smith, Archie, Jr. -</u> claim against the City	21
<u>S. Bear Creek Road -</u> Third reading to rezone property on this road and the N. C. 191 Connector.	28
<u>S. Grove Street -</u> Hearing date set relative to closing a portion of this street and an unnamed alley - page 34; hearing and closing - page 63 .	
<u>Strouse-Greenberg & Company -</u> Authorization for the expenditure of funds to conduct feasibility studies relative to this company's proposal.	38
<u>Southworth Construction Company, Inc. -</u> Mayor authorized to sign Change Order No. 7 with this company for the project known as Renovation of Valley Street Maintenance Facility.	41
<u>Southeastern Distributors -</u> Bids awarded to this company for water meter rims and lids for the Water Department.	41
<u>Smith, Archie -</u> A claim was received by this person.	50
<u>Silverman Company -</u> Bids were awarded to this company for corrugated steel pipe for the Parks and Recreation Department.	54

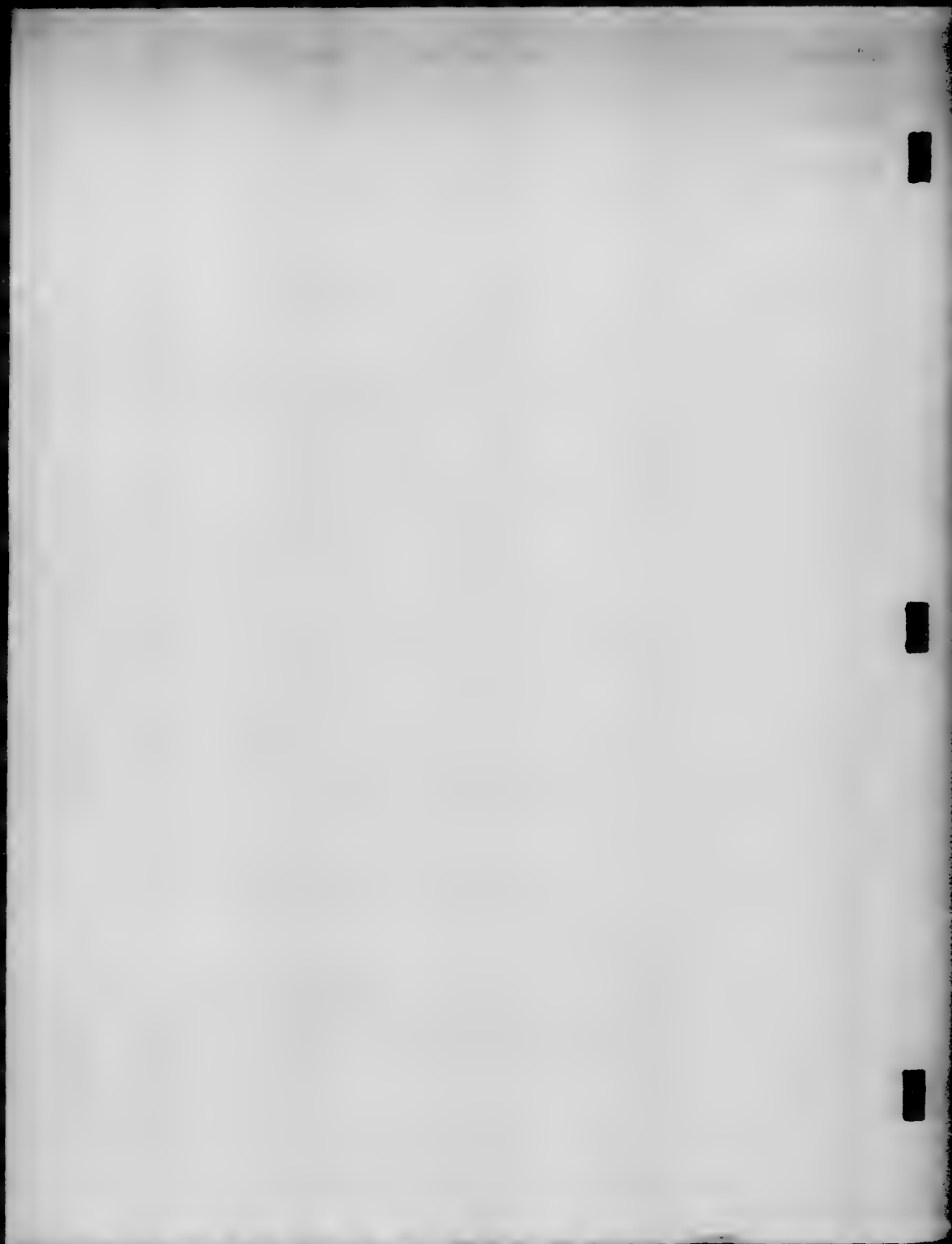
<u>Sewer Line</u> - contract awarded to Huntley Construction Company for project known as "American Way/Rash Road Six-Inch Sewer Line	214
<u>Surplus Property</u> -authorizing Director of Finance to sell surplus property	216
<u>Strouse-Greenberg Downtown Proposal</u> - discussion relative to statement issued by Council relative to this proposal.	216
<u>Strouse-Greenberg Downtown Proposal</u> - discussion relative thereto	217
<u>Sullivan Act</u> - resolution authorizing attorney Harold K. Bennett to file for a declaratory judgement	235
<u>Sales, Mrs. Jean</u> - comments regarding annexation relative to Riceville community	242
<u>Southern Bell</u> - claim against the city	247
<u>Smith, Whitney</u> - claim against the city	247
<u>Salary and Wages</u> - Budget amendment - annual operating budget	251
<u>Speed</u> - An ordinance amending Section 28-82.2 of Article IV of Chapter 28 of the Code of Ordinances of the City. First reading, page 251; Second reading, page 254; Third reading, page 265.	
<u>Safety to life</u> - Budget amendment - City general capital projects budget	259
<u>Self, Jennifer D.</u> - Claim against the city	261
<u>Street</u> - changing the name of a portion of Mayflower Road to Blue Briar Road	264
<u>Street</u> -closing of Charlotte Street on 9/13/80 from 9-5p.m.	267
<u>Swain Property (north Asheville Park)</u> -resolution deleting the North Asheville Park Project at the Swain property from further consideration by the City Council.	270
<u>Symphony Week</u> - request by Councilman Boland to proclaim Asheville Symphony Week	272
<u>Strouse-Greenberg Project</u> - resolution directing the Housing Authority to proceed to determine the applicability of Article 22, Chapter 160A-500-526 for the proposed Strouse-Greenberg Project	272
<u>Street</u> - Intent to close a portion of East Riverview Drive, or Thompson Street, hearing scheduled, page 277, hearing held, page 311 .	
<u>Snow and Ice Control</u> - bids accepted for bulk sodium chloride (rock salt) for snow and ice control	278
<u>Strouse-Greenberg Company Project</u> - Special meeting	363

<u>Stamp Collecting Week - The week of May 18-24, 1980 proclaimed as such.</u>	93
<u>Sprinkle, Mr. & Mrs. Fred - A claim was received by these people.</u>	93
<u>Shook, Mrs. Earl, Jr. - reappointed as Commissioner to the Housing Authority</u>	100
<u>Shiloh Recreation Center - letter read to Council to Mr. and Mrs. William Jones thanking them for donating piano to the center.</u>	101
<u>Sanitation, Superintendent - resolution of appreciation and commendation to S. L. "Bud" McHone upon retirement.</u>	103
<u>Street Improvements - contract for project known as "North Lexington Street Improvements" awarded to Warren Brothers Company</u>	136
<u>Street Sidewalk Improvements - contract for project known as "Charlotte Street - Poplar Street Sidewalks" awarded to Warren Brothers Company</u>	136
<u>Sanitation Division - Hydraulic Packer Type Body - 25 yard capacity</u>	143
<u>State Highway Patrol Offices - boundary line agreement executed between the City of Asheville and the County of Buncombe for property owned by the City and the County and leased to the State Highway Patrol Offices.</u>	144
<u>Street - closing of an unnamed city street in West Asheville - off Hazel Mill Road</u>	154
<u>Sewer Line - r/w agreement with Gary Cooper Coffey for sewer line on American Way and Rash Road.</u>	156
<u>Sewer Line - r/w agreement with necessary people in order to construct a sanitary sewer line on Rash Road.</u>	163
<u>Skyland Volunteer Fire Department - agreement for fire protection services in the Airport Annexation Area</u>	172
<u>Sweeten Creek Road Pumping Station - Agreement w/CP & L for power for this.</u>	204
<u>Sewer Line - r/w agreement with N.C. DOT for sewer line replacement on N.C. 81</u>	172
<u>Sourwood Lane-East - request of residents of Parkway Place to change name of street to Sourwood Lane - East.</u>	190
<u>Sewer Problems - J. V. Corbin complained about problems in Reed Creek Sewer Line - prohibiting him from building a development (vicinity of UNC-A)</u>	190, 191
<u>Six Associates - Authorizing funds to this company for engineering services for the South Pack Plaza Project.</u>	204
<u>South Pack Plaza Project - Authorizing funds to Six Assoc. for engineering services for this project.</u>	204
<u>Solicitation - Considering for architectural services for rehabilitation of historic properties - YMI Building on Eagle Street.</u>	204
<u>Sexton, Dorothy M. - Claim against the City.</u>	205

<u>Strouse-Greenberg</u> - Appointment of City Manager to act as formal liaison between City and Strouse-Greenberg.	378
<u>Sewer and Water Capital Construction</u> Consideration given to an ordinance amending the Water and Sewer Capital Construction Fund Capital Projects Ordinance, Hearing and 1st reading, pg. 385, 2nd reading 3rd reading, pg.	385
<u>Sloan, Victor</u> - claim against city	387
<u>Supplemental Annuity Fund</u> - An ordinance authorizing the creation of a supplemental annuity fund for certain city employees and surviving spouses. Hearing and 1st reading, pg. 388, second reading, pg. 399 , 3rd reading, pg. 399 .	399
<u>Sewer and Water Services</u> - Budget Amendment	390
<u>Senior Citizens Service Project</u> - Budget Amendment	403
<u>Senior Opportunity Center</u> - Budget amendment	403
<u>Supplemental Annuity Fund for Retired City Employees</u> - Budget Amendment	404
<u>Styles, Buddy C.</u> - claim against city	406
<u>Starmount Drive</u> - announcement relative to sale of property in Knollwood on Starmount Drive - upset bid received from Wayne Kinser.	418
<u>Sign Permit</u> - Approval for American Log Homes - 295 Haywood Street	429
<u>Starmount Drive</u> - Receipt on February 20, 1981, an upset bid in the amount of \$13,600 for the Starmount property in knollwood from Arlis Queen	429
<u>State Water Bond Funds</u> Resolution authorizing application for State Water Bond Funds	432
<u>School Crossings</u> Petition to adequately mark all school crossings	434
<u>Starmount Drive</u> - Resolution No. 81-44 accepting high bid and authorizing the sale of City property, known as Starmount Drive	439
<u>Sewer Line</u> - Resolution 81-54 - purpose of maintaining an existing sewer line on property along Patton Avenue	445
<u>Street Lighting Policy</u> - Resolution No. 81-56 authorizing the establishment	447
<u>Surplus property</u> - Resolution No. 81-57 - authorizing to sell	449
<u>Sweeten Creek Road Area</u> - consider annexation - Resolution No. 81-66	455
<u>Sign Permit</u> - American Log Homes, Inc. 295 Haywood Street	458
<u>Strouse-Greenberg Company</u> - Resolution No. 81-67 - authorizing the City Manager to sign revised memorandum of understanding to extend date of decision	458

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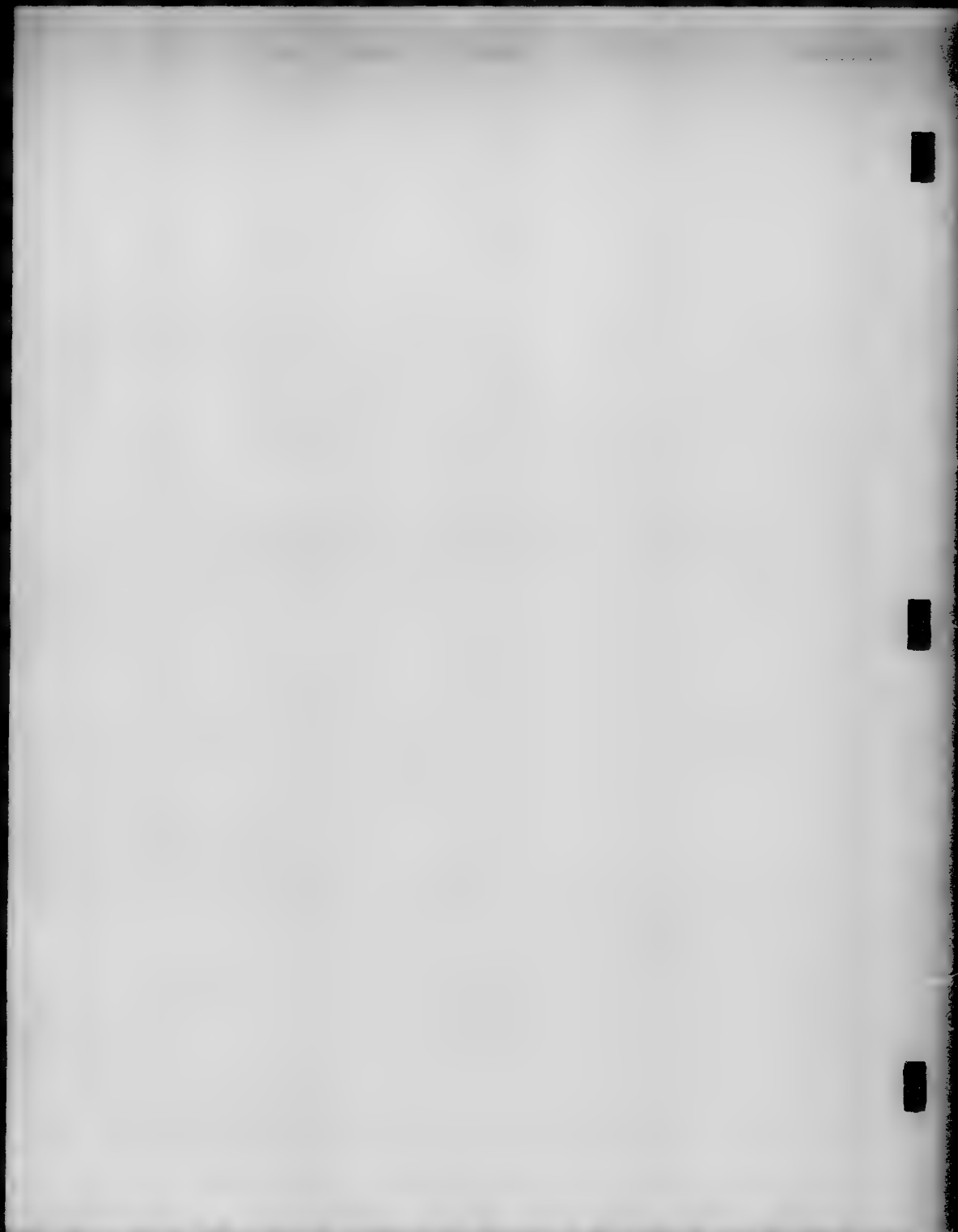
<u>Shuford, John F. -</u> appointed as a member of the Board of Directors of Victoria of Asheville, Inc.	282
<u>Southerland, Patricia -</u> claim against the city	283
<u>School -Speed Limit Zone -</u> established for Emmanuel Lutheran School	285, 293
<u>School - Speed Limit Zone -</u> established for Haw Creek Elementary School	285
<u>Snow and Ice Control -</u> agreement for snow and ice control on certain state system streets	288
<u>Streets -</u> agreement with N.C.DOT for snow and ice control on certain state system streets	288
<u>South French Broad Avenue -</u> closing a portion of the street at the request of the Housing Authority	289
<u>Streets -</u> closing a portion of South French Broad Avenue, Livingston Street, and Bartlett Street at the request of the Housing Authority.	289 307
<u>Summey, J. D. -</u> claim against the city	291
<u>Sign Permit -</u> approved for Moss Auto Sales at 770 Patton Avenue	295
<u>Smith, Mr. Frank -</u> appointed the Metropolitan Sewerage District Board	298
<u>Simkins, Lillie Mae -</u> claim against the city	301
<u>Share-A-Song Week -</u> Proclamation - October 27 - 31, 1980	299
<u>Street -</u> closing of a portion of East Riverview Drive - Thompson Street	302
<u>Streets -</u> ordinance relating to loitering on public streets and sidewalks or in parks and other public areas. second reading, page 313, third reading, page 322	308
<u>Short, John J. -</u> agreement for the operation of a snack shop in the City Building	310
<u>Streets -</u> agreement with N. C. DOT for bridge inspections on municipal street system	323
<u>Street Improvements -</u> contract awarded to Hobson Construction Company for the project known as Eagle Street Improvements.	323
<u>Six Associates, Inc. -</u> Resolution authorizing City Manager to enter into agreement ~~re: the City of Asheville, page 335~~	335
<u>Sewer -</u> Budget Amendment, operating budget.	336
<u>Sign Permit- Wright-Dobbins-Farnam Insurance Company -</u> 42 Orchard Street	361
<u>Strouse-Greenberg Company -</u> Resolution authorizing the City Manager to sign a memorandum to understanding with them.	366

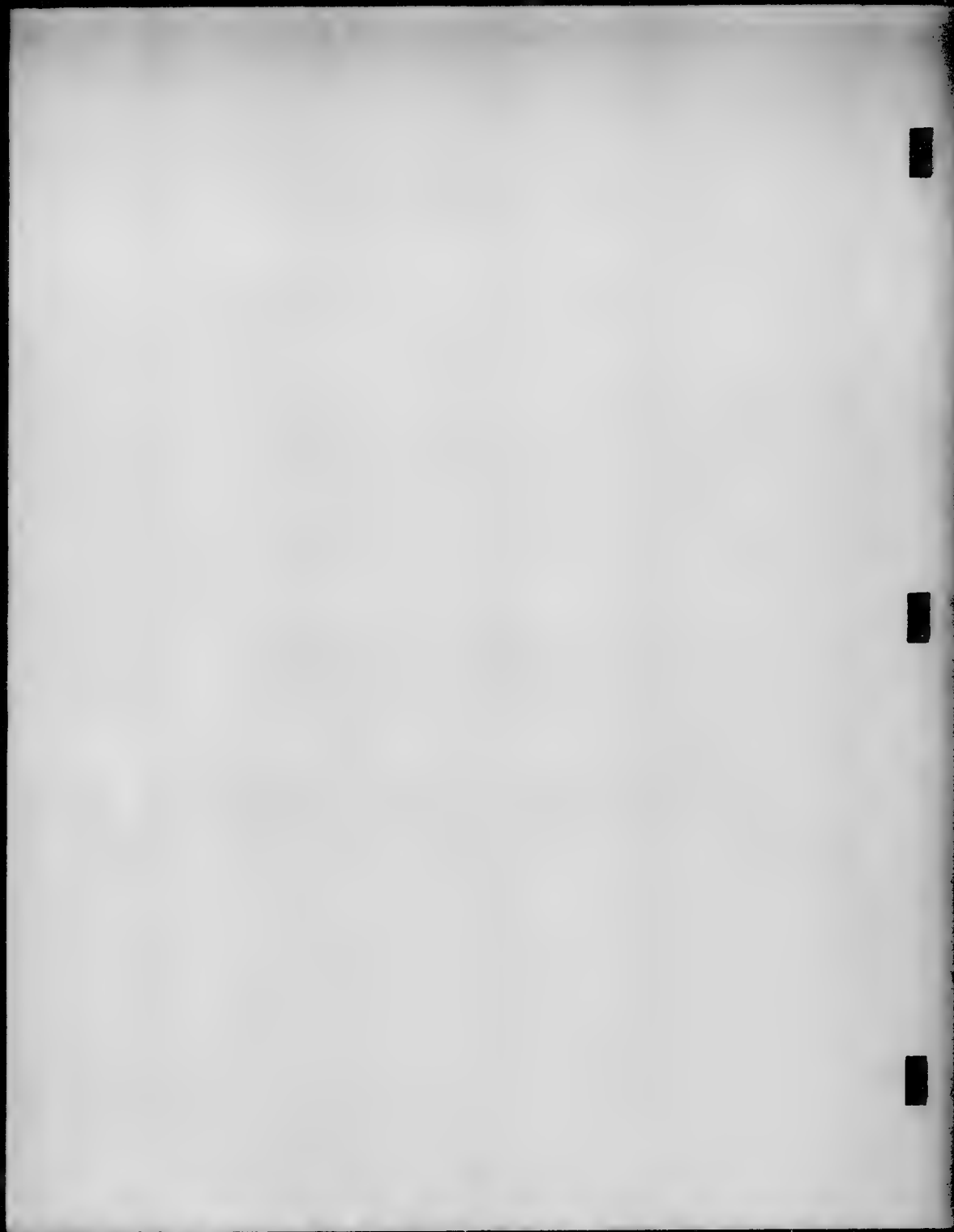


<u>State and Amboy - Public Hearing - Group Development - Sky Harbor Factory Outlet Mall</u>	463
<u>Sign Permit - Approval of sign permit - American Log Homes, Inc. 295 Haywood Street</u>	469
<u>Southern Railway - Resolution No. 81-76 - Authorizing Mayor to enter into agreement to widen the grade crossing on Twentieth Street</u>	470
<u>Sweeten Creek Road Area - Extension of City services into the area proposed for annexation generally described as Sweeten Creek Road Area</u>	485
<u>Six Associates, Inc.- Resolution No. 81-82 - Authorizing contract for staffing services to the City of Asheville and Asheville Revitalization and Economic Commission</u>	503

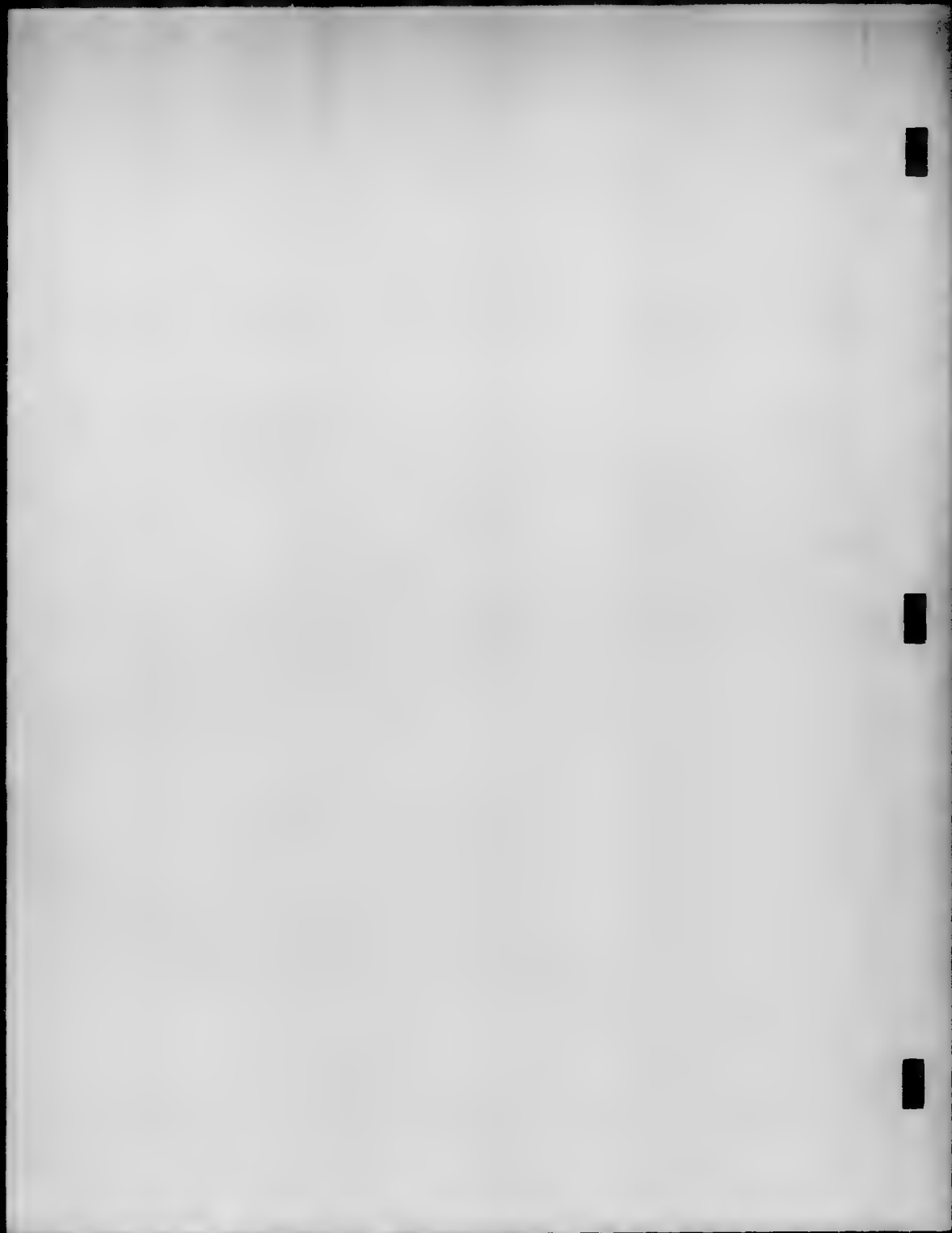
<u>Transportation Grant</u> - hearing scheduled for filing of application for capital improvement grant for ten buses for replacement purposes and three hundred (300) bus signs.	163 219
<u>Transportation Grant</u> - filing of an application for technical studies grant for year 1980-81. As amended - page 245	163 223
<u>Talbert, Cox & Assoc.</u> - Contract for evaluation services for Chestnut St. Bridge.	204
<u>Toms, Rev. O. T.</u> - Councilman Wilkes requested City Manager to look into complaint relative to Rev. O. T. Toms complaint re: cablevision	216
<u>Thorsen, Del W.</u> - appointed by resolution to the Asheville Tree Commission	237
<u>Technical Study Grant for 1980-81</u> - filing of application as amended	245
<u>Thoms Cablevision</u> - Presentation by John Jerose	247
<u>Talbert, Mr. Harold</u> - resolution appointing to Aoning Board of Adjustments	252
<u>Tunnel Road</u> - r/w agreement with Rodney Lawler, owner of Asheville Terrace, concerning an easement for the maintenance and repair of a water line.	265
<u>Town Meeting Re Water-</u> comments by Councilman Cole	266
<u>Thompson Street</u> - intent to close portion of street - hearing scheduled, page hearing held, page 311 .	277; 311
<u>Trantham, Mayor Roy M.</u> - resolution nominating and endorsing the Mayor for the office of third vice-president of the N. C. League of Municipalities.	290
<u>Transportation Services</u> - authorizing the Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.	304
<u>Thompson Street</u> - closing of a portion of East Riverview Drive	302
<u>Transportation</u> - agreement with N. C. DOT for bridge inspection on municipal street system.	323
<u>Tauber, Barbara</u> - claim against the city	324
<u>Tulula Street</u> - petition to rename section of street to Old Asheland Avenue	387
<u>Toxic Substances</u> - Invitation to workshop on Toxic Substances and Hazardous Wastes.	394
<u>Taxicabs</u> - An ordinance repealing Section 27-4 (regarding insurance for Taxicabs) of the Asheville Code of Ordinances. Hearing and first reading, pg. 409 second reading, pg. 413 , third reading, pg. 413.	409 413 413
<u>Twentieth Street</u> - Resolution No. 81-76 - Widen the grade crossing	470

<u>Talbert, Cox and Associates, Inc.</u> - agreement for consultant services for design of improvements at the airport terminal.	2
<u>Taxicab Companies</u> - Presented petition for increase in rates	13
<u>Transportation Advisory Committee</u> - presented reports relative to the proposed construction of the Westland Mall	20
<u>Tour</u> - Wayne Caldwell invited Council members to tour Lexington Avenue through Broadway.	42
<u>Taxicab Companies</u> - Increase in fares, 1st reading - page 44; 2nd reading - page 54; 3rd reading - page 58.	54;
<u>Tunnel Road</u> - Mayor and City Manager authorized to execute agreements to replace the 30" Tunnel Road Water Line.	50
<u>Tunnel Road</u> - Mrs. Margaret Steward questioned the City's paying for the 30" Tunnel Road Water Line break.	51
<u>Truck, Diesel</u> - Bids awarded to Apple Tree Chevrolet, Inc. for one cab and chassis diesel truck with 5 to 6 yard dump bed for the Street Division.	65
<u>Transportation Improvement Plan</u> - Endorsement of highway, transit and aviation improvements for the Asheville Urban Area to be submitted to the N. C. Department of Transportation.	70
<u>Transit Development Grant</u> - Filing of an application authorized with the N. C. Department of Transportation, Public Transportation Division, for state financial assistance in the form of this grant.	81
<u>Tractor/Loader with "4 in 1" Bucket, Industrial Type Rubber Tired</u> - Bids awarded to Arden Equipment Company for this tractor to be used in the Sanitation Division.	92
<u>Transit Assistance Grant</u> - grant from UMTA re: operating assistance for Asheville Transit Authority for period 1979-80.	96
<u>Tessier, Jack and Mitzi</u> - lease of pavilion at the Asheville Recreation Park to these people - notice of intent, page 99- lease approved, page 142 .	99
<u>Transition Plan</u> - hearing relative to review and endorsement of a transition plan for the elderly and handicapped- hearing scheduled, page 136, hearing held, page 155 .	136
<u>Traffic Control Devices</u> - agreement with N. C. D. O. T. relative to maintenance of traffic control devices on state highway system streets within the City of Asheville.	142
<u>Thompson, J. O.</u> - claim against the City.	145
<u>Teague, Shelia</u> - claim against the City	145
<u>Treusch, William P.</u> - claims against the City	158, 247





<u>Uzzell, Ralph</u> - claim against the City	13
<u>Utilities Locating Company</u> - Mayor authorized to sing a contract with this company for membership.	77
<u>Urban Mass Transportation Grant</u> - financial operating assistance grant for Transit Authority for period July, 1979- June 30, 1980.	96
<u>Urban Mass Transportation Act</u> - endorsement of transition plan for the elderly and handicapped for federal funds under this Act.	155
<u>Urban Mass Transportation Act Grant</u> - hearing relative to application for a capital improvement grant for ten buses for replacement purposes and three hundred (300) bus signs.	163 219
<u>Urban Mass Transportation Act Grant</u> - application for technical studies grant for year 1980-81. As amended - 245	163 223
<u>United Nations Day</u> - October 24, 1980 - Proclamation	298
<u>Unicef Day</u> - Proclamation - October 31, 1980	301
<u>UMTA Capital Grant Project</u> - Budget Amendment for this grant for Asheville Transit Authority.	315
<u>UDAG Grant - (Downtown-Lexington Avenue)</u> - hearing to be held by Planning Dept. relative to UDAG Grant for Downtown-Lexington Avenue.	316
<u>UDAG Grant - (Downtown - Lexington Avenue)</u> - hearing to be held by City Council relative to UDAG Grant for Downtown-Lexington Avenue.	317
<u>United Parcel Service</u> - claims against the City	347
<u>Urban Mass Transportation Act of 1964 as amended</u> - Resolution No. 81-55, filing of an application with the Department of Transportation for grant	447
<u>Up With People</u> - Proclamation - April 6 - 10	471



<u>Veterans</u> - Proclamation for National Salute to Hospitalized Veterans Day - February 14, 1980	4
<u>Valley Street Maintenance Facility, Renovation of</u> - Mayor authorized to sign Change Order No. 7 with Southworth Construction Company, Inc. for this project.	41
<u>Vehicles</u> - Bids awarded to Apple Tree Chevrolet for vehicles in the Motor Transport Department and the Water Maintenance and Construction Division.	54
<u>Volunteer Recognition Week</u> - April 20-26, 1980 proclaimed as such.	67
<u>Victoria of Asheville, Inc.</u> - Ratification by Council of certain documents.	199
<u>Valley Street</u> - execution of memorandum of understanding for the purchase of E. Ted Linn's property on Valley Street.	273
<u>Valley Street</u> - release from a lease between the City of Asheville and Evelyn Giezentanner et al relative to the N.C. Dept. of Transportation's acquisition of right of way for the improvements to Valley Street.	282
<u>Victoria of Asheville, Inc.</u> Shuford appointment of Dorothy C. Maitland and John F.	282
<u>Valley Street</u> - resolution authorizing the purchase of the E. Ted Linn property property on Valley Street.	287
<u>Valley Street</u> - 1980-81 Annual operating budget - furnace	365

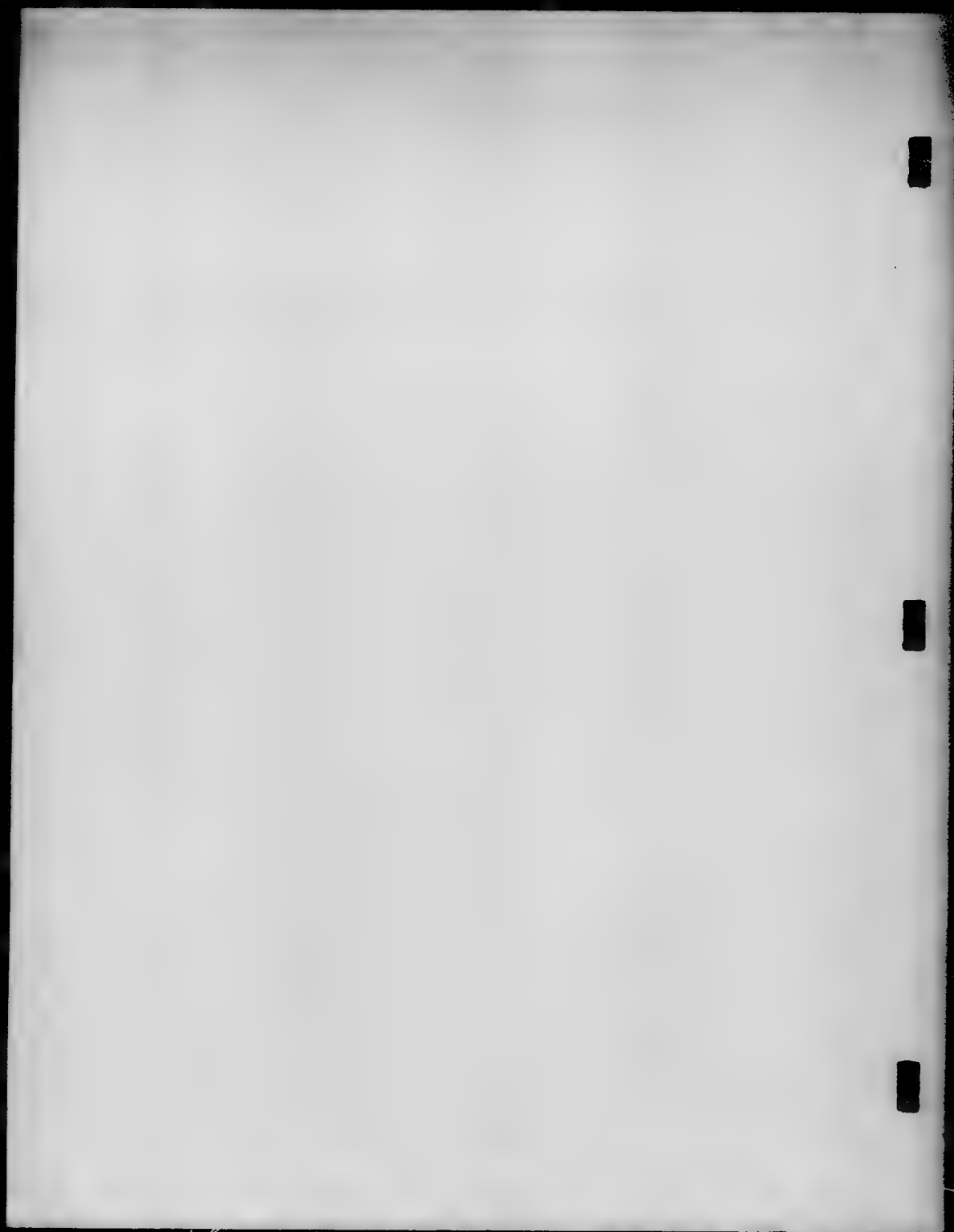
<u>Westland Mall</u> - Results of petition protesting the rezoning for this mall.	89
<u>Water Maintenance and Construction Division</u> - Bids awarded to Municipal & Utility Supply for ductile iron pipe for this division.	91
<u>Western Carolina Tractor Company</u> - Bids awarded to this company for Solid Waste Collection System for the Sanitation Division.	91
<u>Walton Street Pool</u> - Bids awarded on a per item basis to Porter Brothers for 1 flair mower and E. J. Smith & Sons for 9 Weed-eaters and 4 commercial mowers for Park Maintenance, this pool and the Malvern Hillis Pool and Riverside Cemetery.	92
<u>Water Supply System Improvements</u> - Mayor authorized to assure the State of N. C. that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District under the subject project.	92
<u>Water Supply System Improvements</u> - Mayor authorized to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City will provide for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District under the subject project.	93
<u>Westland Mall</u> - ordinance to rezone property on S. Bear Creek Road and N. C. 191 Connector for the Westland Mall was repealed.	96
<u>Wynn, Joe Anthony</u> - claim against the City	100
<u>Warren Brothers Company</u> - awarded contract for the project known as North Lexington Street Improvements.	136
<u>Warren Brothers Company</u> - awarded contract for the project known as Charlotte Street -Poplar Street Sidewalks	136
<u>Water Supply System Improvements</u> - Mayor authorized to assure the State of N. C. that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District under the subject project.	138
<u>Water Supply System Improvements</u> - Mayor authorized to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City will provide for the operation, maintenance and administration of these improvements to be made in the Avery Creek Sanitary District under the subject project.	138

<u>Water Line</u> - Encroachment agreement with N.C. DOT for water and sewer line on Louisiana Avenue.	1
<u>Willard, John E.</u> - claim against the City	4
<u>Water Bonds</u> - State Water Bond Fund Grant offer accepted for the Pine Street Water and Sewer Improvement Project - assurances accepted therein	9
<u>Water Bonds</u> - authorization to apply for State Water Bond Funds for the French Broad River Water Line Project	9
<u>Westland Mall</u> - rezoning of property on South Bear Creek Road and N. C. 191 Connector to build this mall - (See Minute Book 46) - scheduling of third reading, page 12; third reading, page 32 . Discussion, page 14. Transportation Advisory Committee presented report, page 20.	12
<u>Work Program</u> - City Council for 1979-81 adopted Work Program	18
<u>Water Funds</u> - authorizing application for Appalachian Regional Commission funds in support of Pine Street Water and Sewer Improvements.	26
<u>Westland Mall</u> - Consideration of the third reading of this rezoning ordinance - page 36; 3rd reading - page 43.	
<u>Water Department</u> - Bids awarded to Southeastern Distributors for water meter rims and lids for this department.	41
<u>Walnut Streetscape</u> - Mayor authorized to sign a contract with Buchanan Concrete Construction Company for this project.	42
<u>Water Maintenance and Construction Division</u> - Bids awarded to Mitchell Distributing Company for portable air compressors for this Division.	47
<u>Water Line</u> - Mayor and City Manager authorized to execute agreements to replace the 30" Tunnel Road Water Line.	50
<u>Water Line</u> - Mrs. Margaret Stewart questioned the City's money being used to replace the 30" Tunnel Road Water Line.	51
<u>Water Maintenance and Construction Division</u> - Bids awarded to Apple Tree Chevrolet for vehicles in this Division.	54
<u>Water Department Investigation</u> - John Shackelford spoke on behalf of Marvin Brewer, Ralph Uzell and Wendell Blair.	56
<u>Water Treatment Plant Design Course</u> - William DeBruhl presented with a certificate for completing this course at the University of Florida.	64
<u>Water & Sewer Services Department</u> - Mayor authorized to sign a contract with the Burroughs Corporation for the lease of computer equipment and operating software for the Customer Services and Collections Division in this department.	80
<u>West Asheville, Un-Named City Street</u> - Hearing date set to close this street - page 84; hearing and closing - page .	

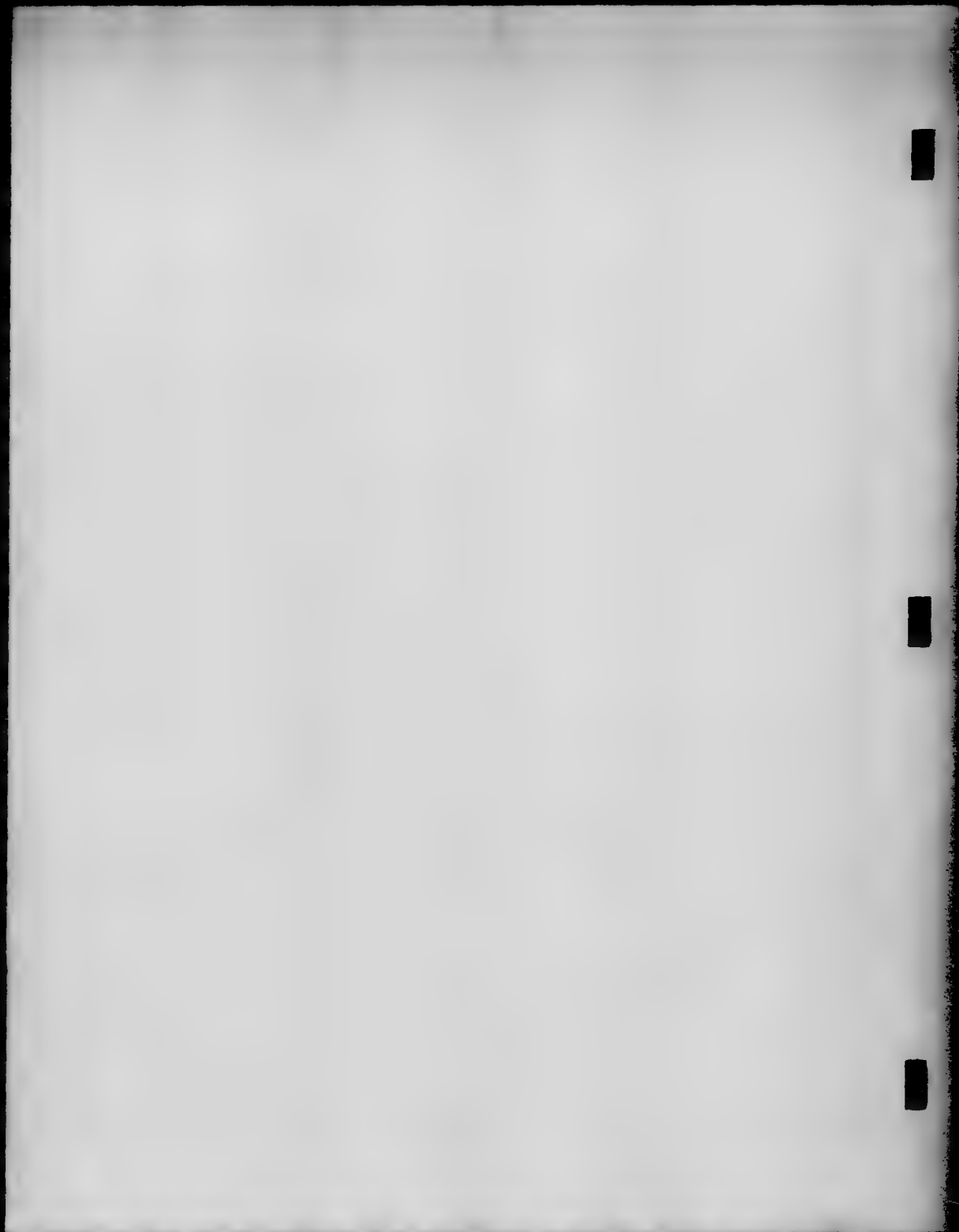
<u>Woody, Jack</u> - comments relative to his water bill	253
<u>Water</u> - Jack Woody's comments relative to his bill	253
<u>Water</u> - resolution establishing a re-read fee	259
<u>Water</u> - resolution revising connection service charges	259
<u>West Asheville Park</u> - Approval of bids for tennis court fencing and ballfield	260
Approval of bids to construct asphalt tennis courts	260
<u>Water Meeting - Town Meeting</u> - comments by Councilman Cole	266
<u>Water Bills</u> - complaint by Mrs. Roy Rogers	267
<u>Water Rates</u> - comments by Edward Burke, Jr.	273
<u>Williamson, James D.</u> - claim against the city	274
<u>Water</u> - r/w agreement with East Asheville Youth, Inc. on which to construct a pump station.	281
<u>Water and Sewer</u> - bids for 100 fire hydrants	282
<u>Wilson, Ann W.</u> - claim against the city	283
<u>Warren Brothers Contracting Company</u> - execution of change order numbers 1 and 2 for Runway and Taxiway Extension Project at the Airport	300
<u>Walker and Whiteside, Inc.</u> - execution of change order number 1 for Runway and Taxiway Extension Project at the Airport	300
<u>Water</u> - Budget amendment - Water Major capital improvements funds budget - French Broad River 24-inch water line project.	304
<u>Watkins, Ernest</u> - claim against the city	305
<u>Water Conservation Week</u> - Proclamation - for October 26 - November 1	305
<u>Water</u> - Resolution of intent to execute a City-County Agreement.	325
<u>Water</u> - Budget Amendment, operating budget.	336
<u>Walsh, Mrs. W. C.</u> - claims against the City	347
<u>White, Ivery</u> - claims against the city	347
<u>Wright-Dobbins-Farnam Insurance Company</u> - Sign Permit for 42 Orchard Street	361
<u>Water and Sewer Capital</u> - Consideration given to an ordinance amending the Water and sewer capital construction fund capital projects ordinance Hearing and 1st reading, pg. 385, 2nd reading, pg. , 3rd reading, pg.	385
<u>Water and Sewer Services</u> - Budget Amendment.	390

"W" (cont'd)

<u>Water Maintenance and Construction Division</u> - bids approved for copper tubing	143
<u>Water Maintenance and Construction Division</u> - bids approved for water meter boxes	143
<u>Webster, Mr. Richard F.</u> -reappointed to the Zoning Board of Adjustments	143
<u>Water and Sewer Capital Construction Fund</u> - Budget Amendment Re: funding for Old Toll Road Sewer Project	146
<u>Water and Sewer Capital Construction Fund</u> - Budget Amendment for American Way/Rash Road project.	155
<u>Water Line</u> - r/w agreement with Beacon Manufacturing Company for water line off Swannanoa River Road.	156
<u>Water Production and Quality Control Division</u> - bids received for 2 sedans	157
<u>Water Chemicals</u> - bids received and awarded for water chemicals for treatment of water from July 1, 1980 - June 30, 1981	164
<u>Water Source</u> - agreement with Burmeister, Wright and Associates to conduct an engineering study regarding the development of Bee Tree Lake as a potable water source.	165
<u>Water Line</u> - r/w encroachment agreement with N.C. DOT for an 8-inch water line on Highway 19-23.	172
<u>Water Line</u> - r/w agreements with N.C. DOT for a 2-inch water line on Jim Branch Road	189
<u>Weaver Hill</u> - ordinance to demolish 18 Weaver Hill - public hearing scheduled, page 214; hearing and 1st reading, page 239; 2nd reading, page 249; 3rd reading, page 254. 264	
<u>Water Taps</u> - ordinance to require development within 3-mile radius of City to petition to annex into the City prior to being granted a tap permit to the Water System. Hearing held page 229	215
<u>Wilkes, Councilman</u> - requested City Manager to look into Complaint of Rev. O. T. Toms relative to cablevision.	216
<u>Water and Sewer Service Department Operating Budget</u> - budget amendment to reflect organizational structure.	222
<u>West Asheville Street and Drainage Project</u> - budget amendment to the Community Development Fund Budget	234
<u>Water</u> - resolution authorizing attorney Harold K. Bennett to file for a declaratory judgement on the Sullivan Act	235
<u>WNC Parking Garage</u> - resolution authorizing the City Mgr to enter into a contract	236
<u>Winger, Maurice H.</u> - appointed by resolution to the Asheville Revitalization Comm.	237
<u>Women's Equality Day</u> - August 26, 1980 proclaimed	247



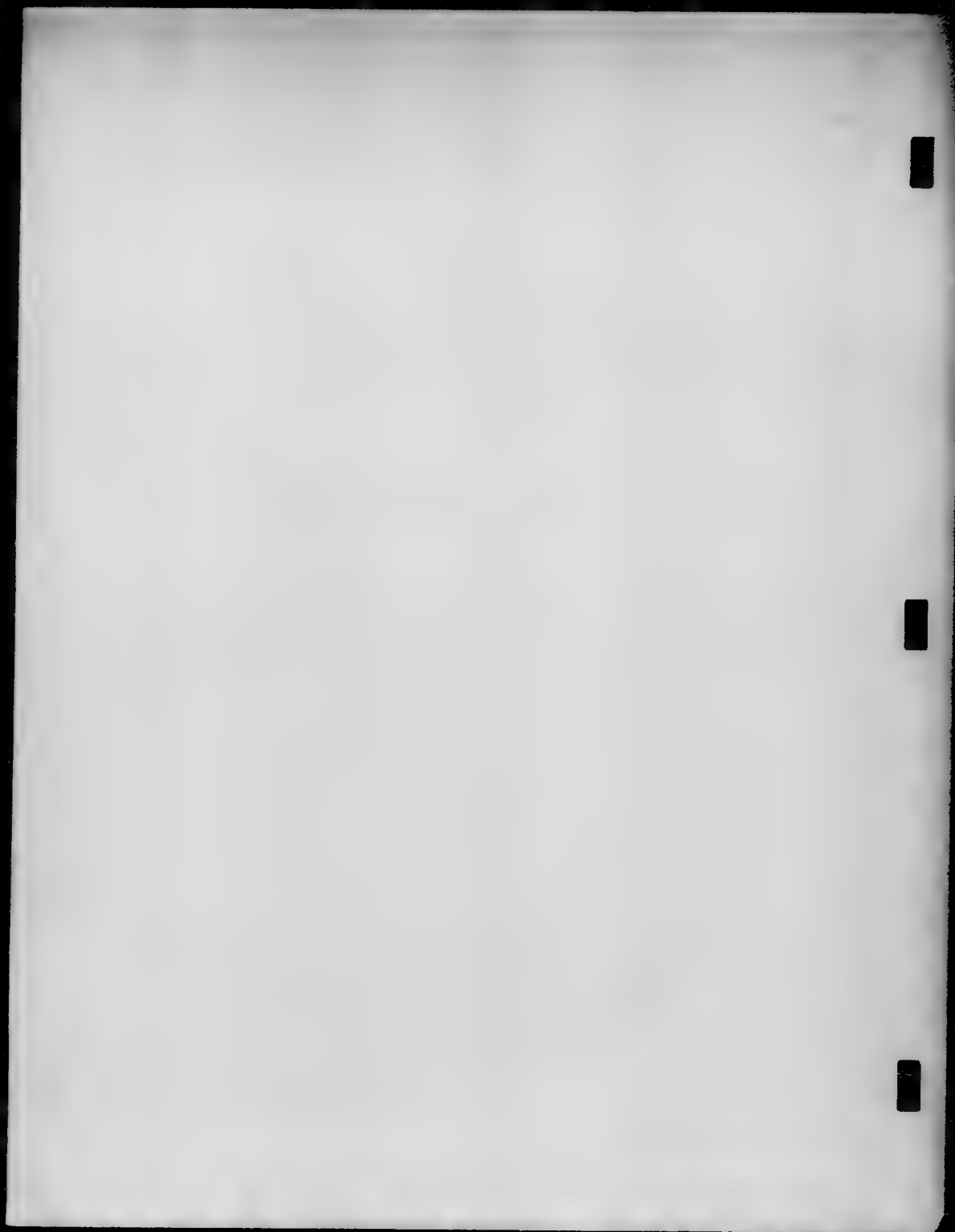
<u>Workshop on Toxic Substances and Hazardous Wastes - invitation to</u>	394
<u>Water and Sewer Services - Budget Amendment, Fiscal year 80-81</u>	410
<u>Water Authority - resolution appointing members to the Asheville-Buncombe Water Authority.</u>	410
<u>Water Authority- resolution appointing members to the Asheville Buncombe Water Authority.</u>	417
<u>W & W Contracting Company - Resolution 81-50 - authorizing the Mayor to sign on behalf of the City of Asheville a contract for the project known as Haw Creek Sewer Line</u>	442
<u>Water Department Charges - Agreement - Patton - Hunter Company</u>	451
<u>Worker's Compensation Program - Resolution No. 81-71 - authorizing City Manager to sign contract for claims administration service</u>	461



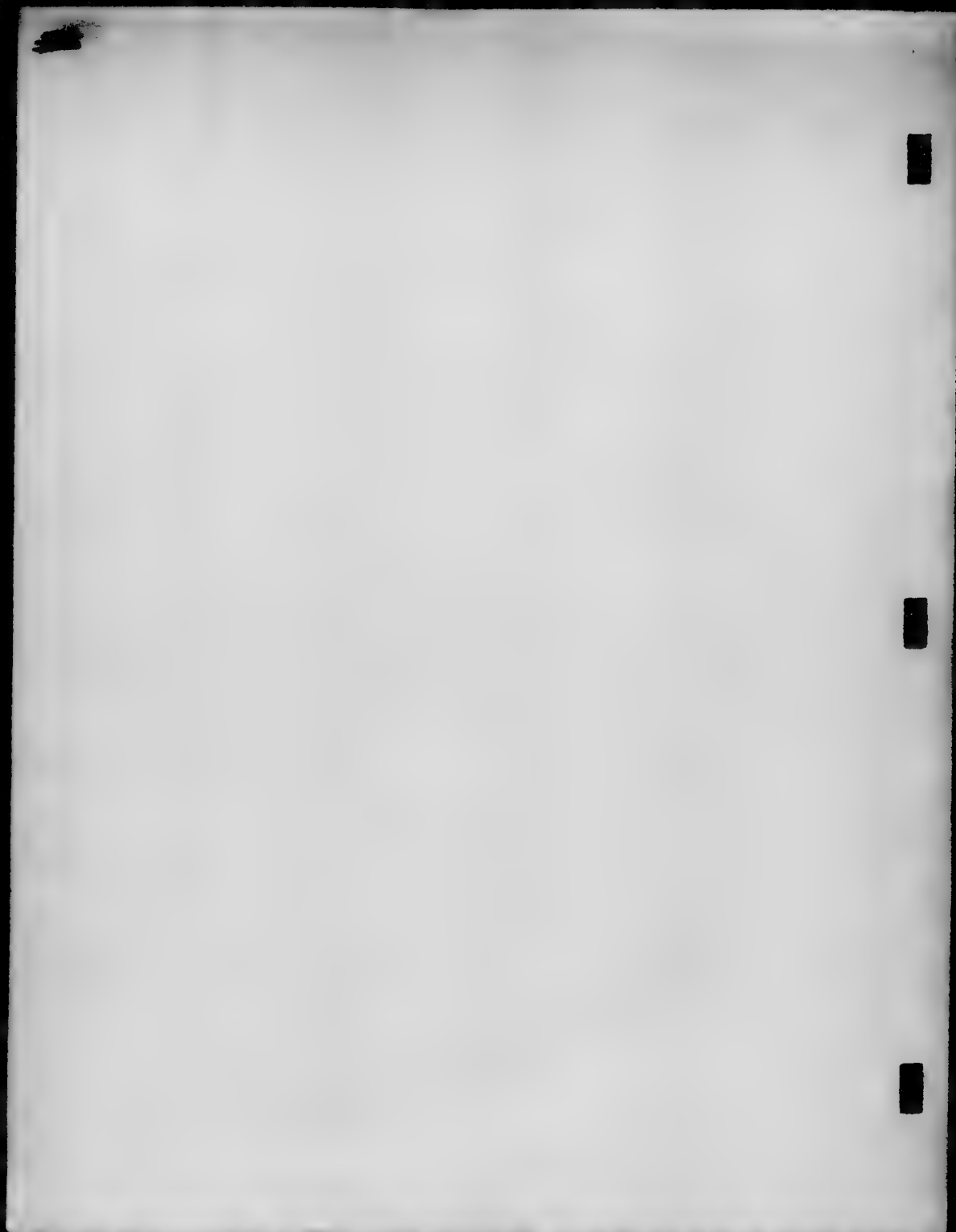
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<u>Youth-in-Government Day - April 3, 1980 proclaimed as such.</u>	52
<u>Yorkshire Street</u> - Hearing date set relative to rezoning property on the corner of this street and Reed Street as requested by Mr. and Mrs. Rush Jolly - page 60; hearing and 1st reading - page 79 ; 2nd reading - page 87; 3rd reading - page 98. 2nd Reading postponed - page 83.	
<u>Youth Council</u> - agreement with James H. Drew Amusement Company for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.	163
<u>YMI Building</u> - Authorizing requests for proposals for architectural services for rehabilitation of this building.	204
<u>Young, Hazel</u> - claim against the city	216
<u>Youth Council</u> - resolution appointing members	252
<u>Young Men's Institute Building</u> - Resolution authorizing Mayor to execute agreement	260
<u>Youth Council</u> - Authorizing the Director of Parks and Recreation to seek grant funding from the N. C. Youth Advisory Council for the Buncombe County Special Olympics Project of the Asheville-Buncombe County Youth Council.	277
<u>Yoder, Robert</u> - claim against the city	305
<u>Youth Appreciation Week</u> - Proclamation for second week in November, 1980	312



Zoning - rezoning of Emma Air Park - hearing scheduled, page 324 - hearing
and 1st reading, page 338; 2nd reading, page 351; 3rd reading, page 384 .

Zoning - rezoning of property at the corner of Hazel Mill Road and Hansel
Street, hearing held and 1st reading, pg. 380, second reading,
page 389 , third reading, pg. .

- ZONING - rezoning property at the corner of Emma Road and Bingham Road 157
hearing scheduled, page 157; hearing and 1st reading, page 178 ;
2nd reading, page 200 ; 3rd reading, page 212 .
- ZONING - rezoning property located on Clayton Street - hearing scheduled, page 157;
hearing and 1st reading, page 178 ; 2nd reading, page 200 ; 3rd reading, page 212 .
- ZONING - amending ordinance to include "Group Homes for Developmentally Disabled
Adults as Conditional Uses - hearing, page 167; hearing and 1st reading,
page 179, 2nd reading, page 200; 3rd reading, page 212 .
- ZONING - rezoning property located at corner of N. Louisiana Avenue and Hazel 173
Mill Road - hearing scheduled, page 173; hearing and 1st reading, page 210 ;
2nd reading, page ; 3rd reading, page . FAILED ON FIRST READING
- ZONING - amending ordinance to include Article 12 to be known as "The Montford 189
Historic District" - hearing scheduled, page 189; hearing and 1st reading, page 219; (failed)
Hearing & 1st reading, page 325, ~~xxxxxx~~ second reading, page 339, third reading, page 352
- ZONING - rezoning property located on Beaverdam Road (W 9 S 6 L 28, 28-1/4) 189
hearing scheduled, page 189, hearing and 1st reading, page 221; 2nd reading,
page 233; 3rd reading, page .
- ZONING - Moratorium on issued of building permits for Group Homes for Developmentally
Disabled Adults - Hearing and 1st reading, page 221; 2nd reading, page ;
3rd reading, page .
- ZONING - problems being caused by developer's use of Michigan Avenue and State Street
as access to property rezoned Light Industrial 233
- Zoning - request for study of Emma air park property 237
- Zoning - relative to the adoption of an ordinance extending a moratorium on zoning
permits for multi-family facilities in the Beaverdam Valley area. Hearing scheduled
page 245, hearing held and 1st reading, page ; 2nd reading, page ;
3rd reading, page .
- Zoning Board of Adjustments - resolution appointing members 252
- Zoning - motion to examine court cases relative to zoning matters 272
- Zoning - resolution considering the rezoning of the property known as the Manor 290
hearing scheduled, page 311 - hearing rescheduled, page 316 -
hearing and 1st reading, page 327 ; 2nd reading, page 340 ; 3rd reading, page 353 .
- Zoning - rezoning of property located at 171 Hillside Street, hearing scheduled, page 316;
hearing and 1st reading, page 337 ; 2nd reading, page 351 ; 3rd reading, page 384 .

- Zoning - Rezoning property on Haywood Street for Naegle Advertising Company 2
hearing scheduled, page 2; hearing and 1st reading, page 27;
2nd reading, page 37; 3rd reading, page 44.
- Zoning - property rezoned at the corner of Haywood Road and Cloyes Street for 6
Morton Distributing Company
- Zoning - property rezoned at the corner of Patton and Pearl Street for the construction 7
of Greyhound Bus Station
- Zoning - amendment to Zoning Ordinance to include Family Care Homes as Conditional 11
Uses in all residential districts and in the Office Institutional District.
scheduling of second reading, page 11, 2nd reading, page 17, 3rd reading,
page 25.
- Zoning - Rezoning property on South Bear Creek Road and N. C. 191 Connector for 12
construction of Westland Mall (See Minute Book 46) - scheduling of third
reading on ordinance, page 12- third reading, page 32.
Discussion, page 14 - Transportation Advisory Committee presented report, page 20.
- Zoning - Reconsideration was given to the 3rd reading to rezone property on South 43
Bear Creek Road and N. C. 191 Connector.
- Zoning, Beverly Hills - Corporation Counsel was instructed to file a motion with 56
Judge Thornberg to reconsider his decision relative to the Carmelite Sisters
vs. City of Asheville.
- Zoning - Hearing date set relative to rezoning property at the corner of Yorkshire 84
and Reed Streets as requested by Mr. and Mrs. Rush Jolly - page 60; hearing and
1st reading - page 79; 2nd reading - page ; 3rd reading - page 98. 2nd reading
postponed - page 83.
- Zoning, Beverly Hills - Chairman of the Beverly Hills Homeowners Association requested 94
that they be permitted to represent the City on an appeal of Judge Thornberg's
recent ruling relative to the Carmelite Sisters case and that the property owners
furnish the lawyer and pay his fee (no).
- Zoning - ordinance to rezone property on S. Bear Creek and N. C. 191 Connector for 96
Westland Mall was repealed.
- Zoning Board of Adjustments - reappointment of John Abbott, Jack Baber, Graham Price 144
and Richard F. Webster as members of the Board.
- Zoning Permits - moratorium on multi-family facilities in the Beaverdam Valley Area 146
public hearing scheduled, page 170; hearing and 1st reading, page 170;
2nd reading, page 170; 3rd reading, page 170.
- Zoning Permits - Hearing relative to extending moratorium on zoning permits for multi- 263
family facilities in the Beaverdam Valley Area.
- Zoning - Public Hearing - rezoning property at 788 Fairview Road 436

RESOLUTION NO. 80-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR CONSULTANT SERVICES WITH TALBERT, COX AND ASSOCIATES, INC. FOR THE DESIGN OF IMPROVEMENTS TO THE AIRPORT TERMINAL

4. Consideration was given to a resolution authorizing the City Manager to enter into contract for consultant services with Talbert, Cox and Associates, Inc. for the design of improvements to the Airport Terminal.

The City Manager read the resolution explaining that the Asheville Regional Airport is in need of certain improvements to the airport terminal as originally proposed in the Airport Master Plan. He said this resolution will authorize consultant services for these improvements.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-23 was unanimously adopted.

Complete text of Resolution No. 80-23 will be found in Resolution Book No. 12 at page 22.

SCHEDULING OF PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD STREET FOR NAEGELE ADVERTISING COMPANY

5. Consideration was given to a motion scheduling a public hearing relative to rezoning property on Haywood Street for Naegele Advertising Company for March 13, 1980.

The City Manager said Don Dawson, Agent for Naegele Advertising Company has requested that Lots 3, 4, 4-1/2, 5, 6, 7, 9, and 10, Sheet 3, Ward 4 (Haywood Street) be rezoned from CR Commercial Regional District to CS Commercial Service District. He said Planning and Zoning Commission, at their meeting on February 6, 1980 recommended approval of the rezoning request.

Councilman Cole moved to schedule a public hearing on the rezoning request of Naegele Advertising Company for March 13, 1980. This motion was seconded by Councilman Wilkes and carried unanimously.

REPORT FROM CORPORATION COUNSEL AND BUILDING INSPECTOR RELATIVE TO 230 MONTFORD AVENUE ORDINANCE NO. 1129

6. Corporation Counsel Moore said at the February 7, 1980 Council meeting a proposal was received by Attorney Bob Orr, representing Bruce and Betsy Roberts, to rehabilitate 230 Montford Avenue. He said Council agreed to wait until today to allow attorneys for the buyers and the seller to meet with the City Attorney to work out an agreement for rehabilitation of 230 Montford Avenue. He said during the past week he met with Mr. Orr and J. E. Johnson, Building Inspector, to outline the procedures of what would be required for rehabilitation.

Bob Orr, Attorney for Bruce and Betsy Roberts, said in the meeting with Mr. Johnson and Mr. Moore, several conditions were indicated before Council would allow the Robertses to rehabilitate the house.

- 1) Mrs. Edith Bryan, owner of 230 Montford Avenue, to release the City of any claims relative to personal property in the house.

Mr. Orr said the Robertses could not release the City of any claims Mrs. Bryan might have. He said Mrs. Bryan would have to do that.

Thursday - February 14, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 7, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the February 7, 1980 meeting were approved as submitted.

ORDINANCE NO. 1157 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 1157, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (Rezoning property at the corner of Haywood Road and Cloyes Street)

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1157 passed on second reading.

RESOLUTION NO. 80-22 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A WATER AND SEWER LINE ON LOUISIANA AVENUE

3. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for a water and sewer line on Louisiana Avenue.

The City Manager read the resolution explaining that this encroachment agreement with the N. C. Department of Transportation is for the water and sewer line to be constructed on Louisiana Avenue.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Morris, Resolution No. 80-22 was unanimously adopted.

Complete text of Resolution No. 80-22 will be found in Resolution Book No. 12 at page 21.

- 2) That on or before Friday, February 15, 1980 at 5:00 p. m. satisfactory releases and bonding be secured from Mrs. Edith Bryan and Bruce and Betsy Roberts.
- 3) That the lien of the City of Asheville shall be determined at the March 6, 1980 hearing.
- 4) That the removal of personal property and shoring of property to be completed in sixty (60) days.
- 5) That the Robertses secure a performance bond in the amount of \$4,000.00.
- 6) That satisfactory insurance or bond be obtained to indemnify the City against all losses, costs, and suits for personal injury from damages claimed by any person's whatsoever.
- 7) That possession and control of the property will be allowed if above conditions are complied with by Friday, February 15, 1980 at 5:00 p. m.
- 8) That if all the above conditions are not met by 5:00 p. m. on Friday, February 15, 1980 the City will proceed with the demolition of 230 Montford Avenue.

Councilwoman Price moved to accept the conditions outlined by the Corporation Counsel for the rehabilitation of the dwelling known as 230 Montford Avenue. This motion was seconded by Councilman Cole and carried unanimously.

The City Manager noted that it was the consensus of Council, that the conditions outlined for the rehabilitation of 230 Montford Avenue, were made contingent upon the Robertses beginning to bring the property up to Housing Code standards within sixty (60) days, said requirements to be met on or before December 31, 1980.

COUNCILWOMAN PRICE - MEMBER OF N.C. STATE MILK COMMISSION

Mayor Trantham commended Councilwoman Price for being sworn in as a member of the Milk Commission.

PROCLAMATION - NATIONAL SALUTE TO HOSPITALIZED VETERANS DAY - FEBRUARY 14, 1980

Mayor Trantham proclaimed February 14, 1980 as National Salute to Hospitalized Veterans Day.

CLAIMS - WENDALL BLAIR - MARVIN BREWER - BEVERLY J. ATKINS - JOHN E. WILLARD - RONALD EARL BRIDGES

The City Manager presented claims received from Wendall Blair, Marvin Brewer, Beverly J. Atkins, John E. Willard, and Ronald Earl Bridges.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Adjournment

Waym Trantham
MAYOR

Kenneth J. McLeath
CITY CLERK

- 2) Robertses to obtain a bond in the amount of \$25,000 indemnifying the City of all liabilities.

Mr. Orr said he had checked with one insurance company and they knew of no such bonds. He said he didn't know if such a bond is available.

- 3) Robertses would be required to perform structural work pursuant to a report filed by Bernard Fienburg, P. E. relative to the structural safety of the house.

Mr. Orr said if an agreement is reached and the Robertses proceeded to rehabilitate the house they would perform this work.

He said Mr. Moore and Mr. Johnson indicated that the lien on the house, for the work already performed by the City, would be approximately \$3,000. He said the Robertses can not afford to pay the lien, meet all the conditions, and rehabilitate the house too.

A discussion followed on the clarity of the General Statutes relative to the City having the authority to waive the lien.

Donald Mayer, attorney for Mrs. Edith Bryan, said his client would like to see the house restored and is very distressed over the personal property the City took from the house. He said Mrs. Bryan could not and would not waive any claims and he concurred with her decision. He said his client feels the City doesn't have the right to hold her personal belongings. He said his client is also concerned about the personal belongings still in the house since structural damage has been done allowing the house to be open.

Bruce Roberts said it would be financially difficult for him to restore the house and meet all the conditions outlined by the Corporation Counsel. He said the house has suffered additional structural damage, since last week, possibly due to contents being removed from the house unevenly. He said this additional damage would be another expense to him. He said he is still willing to accept the responsibilities if an agreement can be resolved.

Councilman Cole then moved that Council go into executive session to discuss the agreement for the rehabilitation of 230 Montford Avenue. This motion was seconded by Councilman Brownlee and carried unanimously.

Council went into executive session at 5:15 p. m.

Council reconvened the meeting at 6:45 p. m.

Corporation Counsel Moore said during the executive session Council agreed to the following conditions relative to 230 Montford Avenue:

- 1) To set public hearing for March 6, 1980 to consider an ordinance to rescind Ordinance No. 1129, known as "An Ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Montford Avenue" and to consider an ordinance to rehabilitate 230 Montford Avenue.

PUBLIC HEARING - SIXTH YEAR COMMUNITY DEVELOPMENT APPLICATION

3. A public hearing was held relative to the Sixth Year Community Development Application.

Mayor Trantham opened the public hearing at 4:17 p. m.

Logan Delany, Director of Community Development, said this public hearing is to receive public comments for the Grantee Performance Record, the Housing Assistance Plan, and the Sixth Year Community Development Application, which is required by the Department of Housing and Urban Development each year.

Marvin Vierra, of the Planning Department, presented Council members with a copy of the Grantee Performance Record and briefly reviewed its contents. He said the report contained a cumulative status report of the Community Development Block Grant since its inception in 1975. He said information on each project along with the appropriations and expenditures for each project are included in the report. He said the Housing Assistance Plan is a part of the Sixth Year Application. He said last year the City was required to submit a three year multi-year plan for housing assistance and is only required to submit the annual goal for this year in the application.

Mr. Delany said all documents relative to the Sixth Year Community Development Application are on file in the Office of Community Development on the 4th floor of the City Hall Building and are available for public inspection.

Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville, reviewed the Sixth Year Community Development Application and the progress of the prior years.

After a brief discussion, Mayor Trantham closed the public hearing at 4:42 p. m.

Mr. Delany explained that no action was required by Council at this time, however at next week's meeting Council will be asked to consider a resolution authorizing submission of the application.

ORDINANCE NO. 1157 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. Consideration was given to the third reading of Ordinance No. 1157, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property at the corner of Haywood Road and Cloyes Street.

Mayor Trantham said the ordinance was previously read on first and second reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1157 passed on third and final reading.

Complete text of Ordinance No. 1157 will be found in Ordinance Book No. 9 at page 96.

Thursday - February 21, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 14, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the February 14, 1980 meeting were approved as submitted.

PUBLIC HEARING - CLOSING ALLEY OFF FAIRFAX AVENUE - FIRST UNION NATIONAL BANK OF NORTH CAROLINA AND GRACE BAPTIST CHURCH

RESOLUTION NO. 80-24 - RESOLUTION CLOSING AN ALLEY CONNECTING FAIRFAX AVENUE WITH THE PROPERTY OF THE TRUSTEES OF GRACE BAPTIST CHURCH OF WEST ASHEVILLE

2. A public hearing was held relative to closing an alley connecting Fairfax Avenue with the property of the Trustees of Grace Baptist Church of West Asheville.

Mayor Trantham opened the public hearing at 4:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Doug Thigpen, attorney for First Union National Bank of North Carolina, said the adjoining property owners of the alley proposed to be closed, being the First Union National Bank of North Carolina and the Trustees of Grace Baptist Church, are the only property owners adjoining the alleyway. He said both property owners are petitioning the City to close the alley which has never been opened or used as an alley. He said they plan to develop the property for parking for the church and the bank.

Mayor Trantham closed the public hearing at 4:15 p. m.

The City Manager read the resolution closing the alley as requested.

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, Resolution No. 80-24 was unanimously adopted.

Complete text of Resolution No. 80-24 will be found in Resolution Book No. 12 at page 23.

HAROLD A. TALBERT JR., REALTOR
12 CHURCH STREET
ASHEVILLE, NORTH CAROLINA 28801

BUSINESS 252-4763

RESIDENCE 274-1444

Mayor Roy Trantham
 Ralph Morris
 Walter Poland
 Harold Brownlee
 Jack Cole
 Norma Price
 W. C. Wilkes

Dear Members of Council:

Following up on your request after your meeting of January 31, I met informally with Verl Enrick and Richard Thornton last week and discussed with them the existing Terminal Facility Needs Study dated October 1979.

While a facility of this type is undoubtedly a good thing for Asheville, it seems to me, based on my knowledge of the real estate market in downtown Asheville, that such a facility is far in the future. However, I have discussed this situation with representatives of Greyhound and it would be agreeable to both of us that our lease contain a release clause allowing Greyhound to be a part of the Regional Transportation Center.

This will serve the immediate needs, with the door left open for the participation by Greyhound in a regional transportation center.

As I have formerly stated, if and when this happens I can modify the building as needed to suit a tenant compatible with the then-existing situation in the area.

Very truly yours,

Harold A. Talbert Jr.
 Harold A. Talbert, Jr.

Hat/Ima

cc: Greyhound
 Verl Enrick

ORDINANCE NO. 1152 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property at the corner of Patton Avenue and Pearl Street)

5. Reconsideration was given to the second reading of Ordinance No. 1152, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property at the corner of Patton and Pearl Streets.

Mayor Trantham said the ordinance passed on first reading on January 17, 1980 and was defeated on second reading on January 24, 1980. However, on January 31, 1980 a motion was made to reconsider the second reading of the ordinance on February 21, 1980. He said the ordinance would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said his staff met with interstate carriers relative to pursuing a central mass transit facility.

Richard Thornton, of the Asheville Revitalization Commission, presented members of Council with a report compiled for a downtown mass transportation center. He said the staff examined what other cities were doing in regard to central mass transit centers. He said during the meeting with the interstate carriers considerable interest was shown toward constructing a downtown transit center. However, concern was expressed relative to the time factor involved. He said it would be at least three to five years before a center could be constructed. He said they are convinced that such a facility would attract more carriers. He said the facility would be built close to downtown.

A discussion was held relative to the financing of such a center.

Upon inquiry of Councilwoman Price, Mr. Thornton said the construction of a mass transit center would not be the solution to Greyhound's present need for a new facility.

David Hillier, attorney for Greyhound Bus Company, spoke in support of the rezoning. He reiterated previous statements relative to Greyhound's need for a new facility. He said they had investigated alternate sites for the station but could not find another suitable site.

Mr. Randall Upchurch, District Manager for the Greyhound Bus Company from Knoxville, Tennessee, answered questions from members of Council relative to the construction of the facility and the parking which would be available for the use of the bus station.

Mrs. Pat McAfee of 56 Sheridan Road spoke relative to the rezoning of the property for Greyhound Bus Company.

Ralph Bishop spoke in support of the construction of a new Greyhound Bus Station. He said, due to the increase in gasoline prices, a new bus station will be an indispensable asset to the City.

At the request of Councilman Wilkes, the City Manager read the following letter.

The City Manager read the resolution explaining that the North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems. The City has need for and intends to construct an improvement in the existing water system, a project described as the French Broad River Water Line. This grant will fund construction of approximately 800 feet of 24 inch water line to run under the bed of the French Broad River.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 80-26 was unanimously adopted.

Complete text of Resolution No. 80-26 will be found in Resolution Book No. 9 at page 26.

RESOLUTION NO. 80-27 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CHAMBER OF COMMERCE FOR AN OFFICE/CORPORATE FEASIBILITY STUDY

8. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Chamber of Commerce for an office/corporate feasibility study.

The City Manager read the resolution explaining that this study, to be conducted by Fantus Company, will be jointly funded by the City and the County, in the amount of \$20,000. It will provide a comparative study to be used for potential clients in locating their office/corporate headquarters in the Asheville area.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 80-27 was unanimously adopted.

Complete text of Resolution No. 80-27 will be found in Resolution Book No. 12 at page 28.

Vice-Mayor Morris noted that this project is another 50/50 jointly funded project by the City and the County whereby the taxpayer residing in the City will be paying \$14,000 of the total amount where the taxpayer in the County will only be required to finance \$6,000 of the project. He said he is opposed to the project from the tax ratio basis, however this particular study will probably be worth more to the City than it would be countywide.

Ralph Bishop spoke in opposition to Resolution No. 80-27, particularly for the City spending funds for such a project.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

On a roll call vote of 7-0, Ordinance No. 1152 passed on second reading.

David Hillier, attorney for Greyhound Bus Company, requested that Ordinance No. 1152 be read on third reading at today's meeting due to the time limit involved to build a new facility for Greyhound Bus Company.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1152. This motion was seconded by Councilman Brownlee, which motion passed on a voice vote of 6-1, with Councilwoman Price voting "no."

On a roll call vote of 7-0, Ordinance No. 1152 passed on third and final reading.

Complete text of Ordinance No. 1152 will be found in Ordinance Book No. 9 at page 89.

Councilman Boland moved that Council urge the Planning Department, Greyhound Bus Company and the Trailways Bus Company to continue their negotiations and meetings relative to a future mass transit center and to pursue the construction of the center as expeditiously as possible. This motion was seconded by Councilwoman Price and carried unanimously.

RESOLUTION NO. 80-25 - RESOLUTION ACCEPTING GRANT OFFER FOR STATE WATER BOND FUNDS AND MAKE THE ASSURANCES CONTAINED THEREIN (Pine Street Improvements)

6. Consideration was given to a resolution accepting grant offer for State Water Bond Funds and make the assurances contained therein relative to the Pine Street improvements.

The City Manager read the resolution explaining that the City has made application for a grant through the N. C. Clean Water Bond Act of 1971 to construct improvements to the existing water and sewer lines in the Pine Street area. The City has received grant offers from N. C. Dept. of Natural Resources and Community Development in the amount of \$12,135 and N. C. Dept. of Human Resources in the amount of \$22,628 of State Water Bond funds to construct said water and sewer improvements. This resolution will accept said funds and make those assurances as contained in the grant offers for the Pine Street Water and Sewer Improvements.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-25 was unanimously adopted.

Complete text of Resolution No. 80-25 will be found in Resolution Book No. 12 at page 25.

RESOLUTION NO. 80-26 - RESOLUTION AUTHORIZING APPLICATION FOR STATE WATER BOND FUNDS (French Broad River Water Line)

7. Consideration was given to a resolution authorizing application for State Water Bond Funds for the French Broad River Water Line.

opposition was received relative to the inclusion of "Family Care Homes" as Conditional Uses. It was decided, by Council that the two issues should be separated to consider the issue on "Family Care Homes." The public hearing and first reading of the ordinance was held on December 6, 1979. On December 13, 1979, Council tabled the second reading of the ordinance until Council members had an opportunity to tour the Family Care Homes in the area. This tour has been completed and Council will consider the second reading of the ordinance on February 28, 1980.

Ralph Bishop said he was opposed to Item A on the consent agenda.

Vice-Mayor Morris explained Item A to Mr. Ralph Bishop.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

SCHEDULING OF THIRD READING OF ORDINANCE NO. 1084 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (rezoning property on South Bear Creek Road and N. C. 191 Connector)

10. The City Manager said a request was received to schedule the third reading of Ordinance No. 1084, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on South Bear Creek Road and N. C. 191 Connector, as early as possible. He suggested that the third reading of Ordinance No. 1084 be scheduled for March 13, 1980 and to advertise the scheduling the same as a rezoning request.

Councilman Cole moved to schedule the third reading of Ordinance No. 1084 for March 13, 1980 and that notice be given, through advertisement, the same as a rezoning request. This motion was seconded by Councilman Boland and carried unanimously.

Verl Emrick, Planning Director, said his staff has prepared a three page summary of the proposed mall, to be constructed on the property requested to be rezoned, and is available to anyone interested in the construction of the proposed Westland Mall. He said the summary would be sent to anyone interested in receiving the information.

It was requested that the summary be sent to the members of all downtown merchants associations.

Mr. Emrick said the Transportation Committee report relative to the Westland Mall will be completed by next week.

Councilman Boland moved that the Asheville City Council request an impact study in tune with the President's Urban Conservation Program for the Westland Mall. He said this falls under the President's Executive Order Number 12074. He said such a study would take 45 days after requested and would be carried out by the federal government. He said this information would be useful for the City Council in deliberating the group development evaluation of the Westland Mall, if such information is needed. He said the impact study would in no way affect the third reading of Ordinance No. 1084, rezoning the property, scheduled for March 13, 1980, but would be used in evaluating the group development plan for the Westland Mall. This motion was seconded by Councilwoman Price and carried unanimously.

- A. Resolution No. 80-28 - Resolution authorizing the Mayor to enter into an agreement with the North Carolina Department of Commerce relative to the enforcement of the Federal Emergency Building Temperature Restriction Program.

HIGHLIGHTS: The City of Asheville, upon request of the North Carolina Department of Commerce, has agreed to complete twenty-five (25) inspections of public buildings to assure compliance of the Federal Emergency Building Temperature Restrictions for a fee of twenty dollars (\$20.00) for every inspection completed.

Resolution Book No. 12 Page 29.

- B. Resolution No. 80-29 - Resolution calling for a public hearing for the adoption of an ordinance relating to amendments of Chapter 25 of the Code of Ordinances entitled "Streets and Sidewalks" for March 20, 1980.

HIGHLIGHTS: This amendment will prohibit the issuance of demolition permits in Fire District No. 1 (Downtown) between the week before Thanksgiving through the first week in January.

Resolution Book No. 12 Page 30.

- C. Scheduling of a public hearing relative to the group development plan of the Summit Complex for February 28, 1980.

HIGHLIGHTS: The Planning and Zoning Commission has recommended approval of the group development plan of the Summit Complex. This retirement center complex, consisting of 370 units, will be constructed on a portion of the old VA Hospital facilities. This project will be privately funded.

- D. Scheduling of the second reading of Ordinance No. 1146, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District, for February 28, 1980.

HIGHLIGHTS: The Planning and Zoning Commission at its meeting on September 5, 1979, considered the request of Mrs. Mildred Graham by Attorney John Powell that "Family Care Homes" be allowed in any and all residential zoning districts of the City of Asheville. The Commission voted to recommend that "Family Care Homes" as well as "Group Homes for the Developmentally Disabled Adults" be allowed as Conditional Uses in all residential zoning districts and in the Office Institutional District. A public hearing was held on the matter on October 18, 1979, and again on November 15, 1979, at which time opposition was received relative to the amendment to include "Group Homes for the Developmentally Disabled Adults." No

The City Manager suggested that Council discuss during a Pre-Council meeting the petition received from the taxicab companies in terms of scheduling consideration of an ordinance granting a rate increase for the taxicab companies.

PROGRESS REPORT - DEMOLITION OF 230 MONTFORD AVENUE

Upon inquiry of Council, the City Manager said an agreement was signed on Friday, February 15, 1980 by the City of Asheville. Mrs. Edith Metcalf Bryan and Bruce and Betsy Roberts as outlined in the Council meeting on February 14, 1980. He said the keys to 230 Montford Avenue were given to Mrs. Bryan after the agreement was executed.

REZONING PROPERTY FOR THE CONSTRUCTION OF WESTLAND MALL

Mr. Herman Medler asked if Council could not put off the third reading of the ordinance to rezone the property for the construction of the Westland Mall until the impact study, requested by Councilman Boland, is received.

Vice-Mayor Morris informed Mr. Medler that the City cannot, by law, rezone property for a specific use. He said Council considers the best use of the land in rezoning deliberations.

ADJOURNMENT

Councilman Cole moved that the meeting be adjourned. This motion was seconded by Councilman Wilkes and carried unanimously.

Adjourned.

Raymond Harrison *William J. Nolett*
MAYOR CITY CLERK

CLAIMS - THOMAS C. LOGAN- MABELINE HAGAN- LENORA FIELDS - DAVID A GUTHRIE-
MARY K. ARAKAS - C. D. HAMILTON - RALPH UZZELL

11. The City Manager presented claims received from Thomas C. Logan, Mabeline Hagan, Lenora Fields, David A. Guthrie, Mary K. Arakas, C. D. Hamilton, and Ralph Uzzell.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PETITION - REQUESTING RATE INCREASE BY THE TAXICAB COMPANIES

12. The City Manager presented the following petition received from the taxicab companies:

PETITION

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE:-

The undersigned owners and operators of the Asheville taxicab companies, hereinafter set forth, respectfully petition the City Council to amend applicable sections of Chapter 27 of the City of Asheville Code relating to taxicabs in the following respects:

1. That a fare increase is hereby requested in the rates by amending Sub-sections (a) and (b) of Section 27-8 to read as follows:

(a) For the first one-tenth (1/10) of a mile or fraction thereof

----\$ 1.05.

(b) For each succeeding one-tenth (1/10) mile ----\$.10

2. That applicable sections of Chapter 27 of the City of Asheville Code be amended to allow taxis to park when vacant in designated "Taxi Spaces" to be located in the business district at locations convenient to public access.

Respectfully submitted, this the ___ day of February, 1980.

AMERICAN CAB COMPANY, INC.

By: [Signature]

BULLDOG TAXI CO.

By: [Signature]

JOLLY TAXI COMPANY

By: [Signature]

OTHER CAB COMPANY

By: [Signature]

YELLER CAB COMPANY

By: [Signature]

BLUE BIRD TAXI COMPANY, INC.

By: [Signature]

DARTY NEW TAXI CO.

By: _____

MILLER'S CAB SERVICE

By: [Signature]

WEST ASHEVILLE CAB COMPANY

By: [Signature]

By: _____

By: _____

By: _____

Vice-Mayor Morris moved to continue the public hearing until March 6, 1980, without further advertising. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING - GROUP DEVELOPMENT PLAN - "THE SUMMIT"

4. A public hearing was held relative to the group development plan of the Summit Complex.

Mayor Trantham opened the public hearing at 4:13 p. m.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission, reviewed the group development plan of the Summit Complex at a special meeting on February 18, 1980. He said after reviewing the plan, the Commission voted that Phase I and Phase II of the site development be approved contingent upon the submission of working drawings for review by the staff and noting that Phase II indicates an ability to place one parking space per unit, plus employee and visitor parking if the need develops. He said the complex would be constructed on a fourteen acre tract on a portion of the old VA Hospital property. He said the site is zoned Office Institutional which allows the construction of apartment units. He said the project will be a retirement center consisting of 370 units and will be privately funded. He said it is outside the city limits but within the City's zoning jurisdiction.

Mr. Bob Bain, architect with the firm Sherertz, Franklin and Shaffner, reviewed the phases proposed for the complex. He presented a model of the complex for viewing by the public and Council members. He said the project would be constructed on the northern portion of the old VA Hospital property. In Phase I three (3) existing buildings will be converted to apartments, with the first occupancy anticipated to be in late July or August of 1980. He said the development of Phase II scheduled for construction in early 1981, would depend on the market in the area, and would consist of the renovation of one (1) existing building and the construction of a high rise unit. He said Phase II will have 276 units and 47 health care beds. He said the project would contain recreational facilities with arts, crafts, shop areas, and swimming.

Mr. Bain said every effort is being made to preserve the landscaping of the area, including the majority of the trees. He said there would be a perimeter road system around the project, with an access road proposed for residents for emergency traffic. He said a bus access from the site to the City is being developed through the Asheville Transit Authority.

Upon inquiry of Council, Mr. Bain said there would be four apartment sizes, an efficiency or studio apartments, an alcove or L shaped apartment, one and two bedroom apartments, and terraces in the high rise unit. He said all spaces would be developed for the handicapped. He said the access to the facility will be by way of Riceville Road. He said significant responses to the project have been received from out-of-towners.

Thursday - February 28, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Councilman Walter R. Boland.

Mayor Trantham announced that the City Manager, Ken Michalove, is out of the office today due to the death of his aunt, Mrs. Gertrude Shain, and that Mr. Wolcott would be acting as City Manager.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 28, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the February 21, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-30 - RESOLUTION IN MEMORY OF FORMER CHIEF OF POLICE A. R. "PITT" SLUDER

2. Councilman Brownlee introduced a resolution in memory of former Chief of Police A. R. "Pitt" Sluder who passed away on February 27, 1980.

Upon motion of Councilman Brownlee, seconded by Vice-Mayor Morris, Resolution No. 80-30 was unanimously adopted.

Complete text of Resolution No. 80-30 will be found in Resolution Book No. 12 at page 31.

PUBLIC HEARING - CLOSING OF AN UNNAMED ALLEY LOCATED OFF BILTMORE AVENUE

3. A public hearing was held relative to closing an unnamed alley located off Biltmore Avenue.

Mayor Trantham opened the public hearing at 4:12 p. m.

The Assistant City Manager presented the notice to the public setting the time and date of the public hearing.

The Assistant City Manager read a letter from R. B. Watson, Vice-President of St. Joseph's Hospital requesting that the hearing be postponed until March 6, 1980 because he would be out of town this week.

- (2) Amend Section (C) (3) to read as follows: "(3) Adequate off-street parking shall be provided."
- (3) Add Section (c) (6) to read as follows: "(6) Minimum spacing between structures which house a Family Care facility shall be no less than 1,000 feet."

This motion was seconded by Councilman Wilkes and carried unanimously.

Upon inquiry of Councilman Boland, Mr. Nick Rose answered questions relative to the charges for the care in the Family Care Homes for non-state supported residents.

On a roll call vote of 7-0, Ordinance No. 1146, as amended, passed on second reading.

RESOLUTION NO. 80-31 - RESOLUTION SUPPORTING GENERAL REVENUE SHARING PROGRAM

4. Consideration was given to a resolution supporting General Revenue Sharing Program.

The Assistant City Manager said in this resolution Council will endorse the reenactment of General Revenue Sharing and encourages the United States Congress to act immediately to continue this vital program which is presently scheduled to expire on September 30, 1980 unless reauthorized by Congress.

Councilman Cole said one of the greatest causes for inflation is government spending, therefore, he would cast a negative vote for Resolution No. 80-31.

Mayor Trantham said counties all over the state are concerned about the possible elimination of general revenue sharing.

Vice-Mayor Morris said Council should discuss with the state legislature the possibility of giving local governments more authority to collect revenues other than from ad valorem taxes. He said government spending should be curtailed but not in the form of general revenue sharing.

Mr. Ralph Bishop spoke in opposition to Resolution No. 80-31.

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, Resolution No. 80-31 was adopted on a voice vote of 6-1, with Councilman Cole voting "no."

Complete text of Resolution No. 80-31 will be found in Resolution Book No. 12 at page 32.

RESOLUTION NO. 80-32 - RESOLUTION ADOPTING A PROGRAM OF WORK FOR THE CITY COUNCIL

7. Consideration was given to a resolution adopting a program of work for the City Council.

The Assistant City Manager read the resolution explaining that this resolution will be approving the City Council Work Program for the next two fiscal years. The items to be major things that Council will be active in during their term of office.

A discussion was held relative to the cost of the apartments to the residents.

Wilfred Fuqua, of American Retirement Corporation, said the majority of residents would be from North Carolina. He said his company presently owns one retirement complex and is presently constructing seven other such projects in the southern states.

Mayor Trantham closed the public hearing at 4:37 p. m.

Councilman Boland moved to approve the group development plan of Phase I and Phase II for the Summit Complex. This motion was seconded by Vice-Mayor Morris and carried unanimously.

ORDINANCE NO. 1146 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District)

5. Consideration was given to the second reading of Ordinance No. 1146, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District.

Mayor Trantham said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

Verl Emrick, Planning Director, reviewed the background of the ordinance. He said, on December 13, 1979, Council tabled the second reading of the ordinance until Council members had an opportunity to tour the Family Care Homes in the area. He said Mr. Nick Rose of the Buncombe County Department of Social Services, who is in charge of the inspections of the Family Care Homes in this area, conducted a tour of the homes with several members of Council.

Mr. Emrick reviewed the details of the proposed ordinance.

Council discussed the parking needs for such homes, the minimum lot sizes to be required, and minimum spacing between structures housing Family Care Homes.

Mr. Emrick said these homes would be **Conditional Uses** which requires the approval of the Zoning Board of Adjustment. He said the Board would consider each home on its own merits and would have the authority to deviate from the development standards outlined in the ordinance.

Mr. John Powell, attorney for Mrs. Mildred Graham, requested that the requirements for parking, minimum lot sizes and minimum spacing be left to the discretion of the Zoning Board of Adjustment.

After discussion, Vice-Mayor Morris moved that Ordinance No. 1146 be amended as follows:

- (1) Amend Section (C) (2) to read as follows : "(2) The minimum site size shall be no less than 15,000 square feet."

- D. Resolution No. 80-36 - Resolution authorizing the City Manager to accept a right-of-way from the Northwestern Bank in order to widen Lexington Avenue from College Street to Patton Avenue.

HIGHLIGHTS: The City of Asheville desires to widen Lexington Avenue from College Street to Patton Avenue and the Northwestern Bank desires to transfer a right-of-way on the east side of Lexington Avenue between Patton Avenue and College Street to the City for this purpose.

Resolution Book No. 12 Page 37

- E. Resolution No. 80-37 - Resolution authorizing submission of an application to the Department of Housing and Urban Development for Community Development Block Grant Entitlement funds - 1980-81.

HIGHLIGHTS: A public hearing relative to the Sixth Year Community Development Application was held on February 21, 1980. This resolution will authorize the Mayor to submit a Sixth Year Community Development application to the Department of Housing and Urban Development.

Resolution Book No. 12 Page 38

- F. Resolution No. 80-38 - Resolution approving signatories for the pre-audit certification.

HIGHLIGHTS: N.C.G.S. 159-28 requires that all City obligations requiring the payment of money to bear a pre-audit certification statement signed by individuals approved by the governing body. The City will approve the individuals filling the following named positions: City Manager, Purchasing Agent, Finance Director, Water Department Planning, Research and Development Director.

Resolution Book No. 12 Page 40

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

REPORT ON WESTLAND MALL - TRANSPORTATION ADVISORY COMMITTEE - PRESENTED

Councilwoman Price announced that the Transportation Advisory Committee has completed their report relative to the Westland Mall and copies of the report will be available for \$1.50 in the Planning Department on the Sixth Floor of the City Hall Building.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-32 was unanimously adopted.

Complete text of Resolution No. 80-32 will be found in Resolution Book No. 12 at page 33.

APPROVAL OF THE CONSENT AGENDA

8. The Assistant City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-33 - Resolution authorizing the Mayor to execute an amendment to the City's agreement with Smoky Mountain Region of Porsche Club of America concerning an autocross event at Asheville Regional Airport.

HIGHLIGHTS: The City has agreed to allow the Smoky Mountain Region of Porsche Club of America to use a portion of the Asheville Regional Airport for an autocross event in 1981. Now the club has requested the use of the same taxiway on May 25, 1980, in connection with planning activities for the 1981 event.

Resolution Book No. 12 Page 34

- B. Resolution No. 80-34 - Resolution regarding auditing contract.

HIGHLIGHTS: Patton, Hunter and Company, CPAs, will be engaged to perform the audit of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1980.

Resolution Book No. 12 Page 35

- C. Resolution No. 80-35 - Resolution approving the use of facsimile devices.

HIGHLIGHTS: Pursuant to N.C.G.S. 159-28.1 the Council will approve the use of facsimile signature devices for individuals in the following positions so long as the devices are physically safeguarded and good internal control procedures are employed in their use: City Manager, Finance Director, City Accountant, and Purchasing Agent.

Resolution Book No. 12 Page 36

Thursday - March 6, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 28, 1980 meeting.

Councilman Cole noted that he cast a negative vote for Resolution No. 80-31 during the meeting of February 28, 1980 but the minutes were written that the resolution was unanimously adopted. He requested that the minutes be amended to reflect his negative vote on Resolution No. 80-31.

The City Clerk advised Councilman Cole that the error had been corrected in the original minutes.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the February 28, 1980 meeting were approved as amended.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE RESCINDING ORDINANCE NO. 1129, KNOWN AS "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO PROCEED WITH THE DEMOLITION AND REMOVAL OF 230 MONTFORD AVENUE" AND CONCERNING THE ADOPTION OF AN ORDINANCE TO REHABILITATE THE DWELLING KNOWN AS 230 MONTFORD AVENUE AND OTHERWISE COMPLY WITH THE PROVISIONS OF THE HOUSING CODE OF THE CITY OF ASHEVILLE

ORDINANCE NO. 1158 - AN ORDINANCE RESCINDING ORDINANCE NO. 1129, KNOWN AS "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE"

ORDINANCE NO. 1159 - AN ORDINANCE TO REHABILITATE OR DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE

2. A public hearing was held relative to the adoption of an ordinance rescinding Ordinance No. 1129, known as "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO PROCEED WITH THE DEMOLITION AND REMOVAL OF 230 MONTFORD AVENUE" and concerning the adoption of an ordinance to rehabilitate the dwelling known as 230 Montford Avenue and otherwise comply with the provisions of the Housing Code of the City of Asheville.

Mayor Trantham opened the public hearing at 4:12 p. m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

CLAIMS - ARCHIE SMITH, JR. - CHRISTINE COURTRIGHT - RUTH ROTOWITZ - BROWNLOE W. REEVES - ROY R. DICKERSON, III

The Assistant City Manager presented claims received from Mr. Archie Smith, Jr., Christine Courtright, Ruth Rotowitz, Brownloe W. Reeves, Roy R. Dickerson, III.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - NATIONAL NUTRITION MONTH - MARCH, 1980

Mayor Trantham proclaimed the month of March, 1980 as National Nutrition Month.

RALPH BISHOP - CORRUPT POLICE DEPARTMENT - LOTTERY SALES

Mr. Ralph Bishop spoke to Council relative to the lottery sales being wide-open in Asheville.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Cole, the meeting adjourned.

Adjournment.


MAYOR


CITY CLERK

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1159. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1159 passed on third and final reading.

Complete text of Ordinance No. 1159 will be found in Ordinance Book No. 9 at page 99.

It was noted that Mr. Robert Orr, Attorney for Mr. Bruce Roberts and wife, Betsy Roberts would deposit with the City Clerk a \$4,000 performance bond as specified in Ordinance No. 1159 on March 7, 1980.

A discussion was held relative to the omission of language in N.C.G.S. 160A-443(6) concerning the right of the City to confiscate personal property from a dwelling ordered to be demolished by Council. It was noted that the statute is clear in specifying procedures for real property but is silent in dealing with personal property in demolishing dwellings containing personal property.

Councilman Boland moved that Council include in their "legislative package" for discussion with the state legislators, the possibility of clarifying the language in N.C.G.S. 160A-443(6) relative to personal property in demolishing dwellings ordered to be demolished. This motion was seconded by Vice-Mayor Morris and carried unanimously.

CONTINUATION OF PUBLIC HEARING - CLOSING AN UNNAMED ALLEY LOCATED OFF BILTMORE AVENUE

3. The public hearing relative to closing an unnamed alley located off Biltmore Avenue was continued.

Mayor Trantham said the public hearing was continued from the meeting on February 28, 1980.

Mr. R. B. Watson of St. Joseph's Hospital requested that a portion of an alley located off Biltmore Avenue be permanently closed. He said the alley has never been opened, accepted by a public authority, developed or used for street purposes and serves no purpose for street or roadway. He said St. Joseph's Hospital property adjoins the alley on three sides. He said St. Joseph's Hospital does not propose to construct a building over the portion of the alley proposed to be closed.

It was noted that the City of Asheville owns and maintains a sewer line that lies within the portion of alley proposed to be closed. A discussion was held relative to St. Joseph's Hospital furnishing the City with a permanent utility easement on that portion of the alley requested to be closed.

Mayor Trantham closed the public hearing at 5:06 p. m.

It was the consensus of Council that Mr. Watson, the Corporation Counsel, and the Director of Water and Sewer Services work out a suitable agreement relative to the sewer line running over the alley proposed to be closed before the the resolution to close is presented to Council for adoption.

The City Manager advised that Mr. Bob Orr, attorney for Mr. Bruce Roberts and wife, Betsy Roberts, produced a copy of a deed, transferring ownership of 230 Montford Avenue from Mrs. Edith Metcalf Bryan to Mr. Bruce R. Roberts and wife, Betsy Roberts as stipulated in an agreement dated February 15, 1980 between the City of Asheville, Mrs. Edith Metcalf Bryan and Mr. Bruce Roberts, and wife, Betsy Roberts.

Mayor Trantham closed the public hearing at 4:18 p. m.

The City Manager read an ordinance rescinding Ordinance No. 1129.

Councilwoman Price moved for the adoption of Ordinance No. 1158, an ordinance rescinding Ordinance No. 1129, known as "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 MONTFORD AVENUE." This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1158 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1158. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1158 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1158. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1158 passed on third and final reading.

Complete text of Ordinance No. 1158 will be found in Ordinance Book No. 9 at page 97.

The City Manager then read an ordinance to rehabilitate or demolish the dwelling house known as 230 Montford Avenue.

Councilwoman Price moved for the adoption of Ordinance No. 1159, "An ordinance to rehabilitate or demolish the dwelling house known as 230 Montford Avenue." This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1159 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1159. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1159 passed on second reading.

- A. Resolution No. 80-39 - Resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 48 Blalock Avenue, 53 Blalock Avenue, 278 Hillside Avenue and 90 Indiana Avenue for April 3, 1980.

HIGHLIGHTS: It has been found that the above houses have been found to be unfit for human habitation, unsafe, and dangerous to life. Pursuant to N.C.G.S. 160A-364 a public hearing is required to adopt an ordinance to demolish the houses.

Resolution Book No. 12 at page 41 - 42.

- B. Resolution No. 80-40 - Resolution authorizing application for Appalachian Regional Commission funds in support of Pine Street Water and Sewer Improvements.

HIGHLIGHTS: The City deems it necessary to upgrade certain water and sanitary lines in the Pine Street area, the total cost of which is estimated to be \$347,627 and Community Development Block Grant funds in the amount of \$86,376 have been appropriated for this project. Local funds in the amount of \$34,763 are available to provide the local match. State Clean Water Bond funds in the amount of \$34,763 have been approved for this project. This grant application to the Appalachian Regional Commission in the amount of \$191,725 will provide the remainder of the funds needed for the project.

Resolution Book No. 12 page 43.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RALPH BISHOP - POLICE DEPARTMENT - LOTTERY SALES

Mr. Ralph Bishop again spoke to Council about the Asheville Police Department being corrupt and the lottery sales being allowed to operate and his disapproval of the appointment of Fred Hensley as Chief of Police.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Cole the meeting adjourned.

Adjournment.


MAYOR


CITY CLERK

ORDINANCE NO. 1146 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District)

4. Consideration was given the third reading of Ordinance No. 1146, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, including Family Care Homes as Conditional Uses in all residential districts and in the Office Institutional District.

Mayor Trantham said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1146, as amended passed on third and final reading.

Complete text of Ordinance No. 1146 will be found in Ordinance Book No. 9 at page 80.

BUDGET AMENDMENT - CITY OF ASHEVILLE, FIRST, SECOND, THIRD, FOURTH, AND FIFTH YEAR COMMUNITY DEVELOPMENT FUND BUDGETS

7. Consideration was given to a motion amending the City of Asheville First, Second, Third, Fourth, and Fifth Year Community Development fund budgets.

The City Manager presented the budget amendment reviewing the specific project budgets to be amended.

Logan Delany, Director of Community Development, said the budget amendment would provide for the closing out of completed projects and appropriate funds to complete other projects.

After discussion, Councilman Wilkes moved to approve the budget amendment amending the City of Asheville First, Second, Third, Fourth and Fifth Year Community Development fund budgets as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

ORDINANCE NO. 1084 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property on South Bear Creek Road and N. C. 191 Connector) -

3. Consideration was given to the third reading of Ordinance No. 1084, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on South Bear Creek Road and N. C. 191 Connector.

Due to the large number of people wishing to voice their opinion on this rezoning, the City Manager explained the procedure that would be followed in considering the third reading of Ordinance No. 1084. He said the Planning Director would give a status report on the rezoning matter; the Corporation Counsel would give a report on what Council is legally considering; principle speakers for and against the rezoning would be given as much time as needed to voice comments; other speakers for and against the rezoning would be given an opportunity to voice their comments, with a three (3) minute time limit; and after all presentations, the Council members would be given an opportunity to voice any comments they wished to make before the vote on the third reading of the ordinance.

The City Manager presented the notice to the public setting the time and the date for the third reading of Ordinance No. 1084 and the affidavit of publication.

Verl Emrick, Planning Director, in explaining the background of the rezoning request said the Planning and Zoning Commission reviewed the request in November, 1978, and recommended that the property be rezoned as requested, to rezone the property from R-3 Residential District to CH Commercial Highway District. He said the proposed use of the property will be the construction of the Westland Mall. He said a public hearing was held on the rezoning request on November 30, 1978. On December 7, 1978, the ordinance passed on second reading and a motion was made to table the third reading of Ordinance No. 1084 until Council passes a motion to bring it back to Council for consideration of the third reading. He said during the discussion of the rezoning, several issues were discussed, particularly the traffic impact of the area and erosion problems of the creek if the proposed mall is constructed. He said these problems were to be addressed before the third reading of the ordinance. He said during the first reading of the ordinance a motion was also made that the third reading of the ordinance be withheld until a report was received from the transportation committees on the traffic problems. He said the City Council had passed a motion at the February 21, 1980 Council Meeting to consider the third reading of Ordinance No. 1084 on March 13, 1980. He said the Transportation Advisory Committee, after reviewing the issue on several occasions, presented Council with a "Transportation Analysis for Proposed Westland Mall" report on February 28, 1980.

Mr. Emrick said on March 10, 1980, additional petitions protesting the rezoning were received which brought the protest up to 18% of property owners protesting within 100 feet of the property proposed to be rezoned. He said according to the Zoning Ordinance, if 20% of the property owners within 100 feet of the property proposed to be rezoned protests the rezoning, Council must pass the Ordinance by a three-quarter (3/4) favorable vote or six (6) affirmative votes. He noted, however, that the validity of the protest petitions are contingent upon both husband and wife signing the protest petitions whereby the property is in joint ownership.

Mr. Emrick read the following letter received from Richard A. Wood, Attorney for the developers:

Thursday - March 13, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, H. C. Wilkes, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Acting City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 6, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the March 6, 1980 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD STREET FOR NAEGELE ADVERTISING COMPANY

ORDINANCE NO. 1160 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE." AS AMENDED

2. A public hearing was held relative to rezoning property on Haywood Street for Naegele Advertising Company.

Mayor Trantham opened the public hearing at 4:07 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Planning and Zoning Commission at their meeting of February 6, 1980, recommended that the property be rezoned as requested, Ward 4, Sheet 3, Lots 3, 4, 4-1/2, 5, 6, 7, 9 and 10 rezoned from CR Commercial Regional District to CS Commercial Service District. He said the rezoning is requested in order for the Naegele Advertising Company to comply with the Zoning Ordinance in fabricating signs at their new location on Haywood Street.

Don Dawson, of Naegele Advertising Company, said the construction of the new building on Haywood Street complies with the present zoning but the zoning will not permit the fabrication of the signs in the basement portion of the building. He requested Council's approval of the rezoning request.

Mayor Trantham closed the public hearing at 4:08 p. m.

Verl Emrick, Planning Director, read the ordinance rezoning the property as petitioned.

Councilwoman Price moved for the adoption of Ordinance No. 1160. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1160 passed on first reading.

Mr. Emrick said this amendment would bring the protest petition down to 5% of the property owners within 100 feet of the property proposed to be rezoned.

William C. Moore, Corporation Counsel, said that the City Council would make no decision as to whether or not the Westland Mall would be constructed on the property proposed to be rezoned. He said that Council would only be considering the third reading of an ordinance to rezone the property. He said Council will consider the approval of the group development plan for the construction of the Westland Mall at a later date.

At the request of a member of the audience, Verl Emrick read the "uses permitted" in the Commercial Highway District.

Richard A. Wood, Jr., Attorney for the developers, introduced Mr. Seby B. Jones of Davidson and Jones Company, Mr. Henry Faison of Faison Associates, Mr. Joe Hagan of Hagan and Corley Associates, and Mr. Don Ingold of Wilbur Smith and Associates, all of whom are involved in the Westland Mall project.

Mr. Wood opened his remarks in support of the rezoning, by stating that the City has an opportunity, through this project, to substantiate the industry in the City. He said Mr. Seby Jones has committed, by a letter to the Mayor, to make this area a part of the City. He said this project would create 1,800 new jobs, increase the tax revenue by \$600,000, & increase sales tax by \$200,000. In supporting the approval of the rezoning, Mr. Wood said such a project should be encouraged and welcomed by the City.

Mr. Seby B. Jones, developer, said his company has followed through on all the requests of Council since the inception of the ordinance. He said the traffic proposal has been submitted and approved by the Transportation Advisory Committee. He requested a favorable vote on the rezoning. He said due to the time limits on several options, a final decision on the rezoning is needed today. He said the developers have already spent several hundred thousand dollars as a result of the proposed project.

Henry Faison of Faison Associates, a partner in the development, said his company would perform the entire development of the project. He said the complex would be comparable to the Eastvale Mall in Charlotte. He said the developers have a competitive site in the County to pursue if this property is not rezoned to accommodate the project.

Donald Ingold of Wilbur Smith and Associates, consulting engineer for the developers, said his company addressed the problem of traffic in the proposed project. He said the site is well positioned for a mall with the freeway system around the property being capable of absorbing the majority of the traffic.

Mr. Ingold reviewed the traffic proposal as outlined in the transportation report, explaining what road improvements would be necessary for the normal operation of the Westland Mall.

Joe Hagan of Hagan and Corley Associates, architects for the developers, said the lowest level of construction would be 15 feet above the 100-year flood plain level as indicated on maps submitted by TVA. He said another problem addressed during the first and second readings of the ordinance was the disturbance to Hominy Creek. He said Hominy Creek will not be disturbed in any way by the construction of the mall. He said the design is such that no additional drainage will go into Hominy Creek than is presently going into the Creek.

LAW OFFICES
MCGUIRE, WOOD, WORLEY, BISSETTE & WOLCOTT, P. A.
 SUITE 705 FIRST UNION NATIONAL BANK BUILDING
 82 PATTON AVENUE
ASHEVILLE, N. C.
 28802

WALTER B. MCGUIRE
 RICHARD A. WOOD, JR.
 CHARLES H. WORLEY
 WILLIAM F. BISSETTE, JR.
 WILLIAM F. WOLCOTT, JR.
 DOUGLAS C. THOMPSON
 JOSEPH H. MCGUIRE

REPLY TO P. O. BOX 1411
 TELEPHONE 254-8800
 AREA CODE 704

March 13, 1980

Mr. William F. Wolcott, Jr.
 City Clerk, City of Asheville
 Asheville City Hall
 Asheville, N. C.

Dear Billy:

As attorney for the petitioners in the rezoning petition presently pending before Asheville City Council with reference to the following properties, to wit:

Ward 5, Sheet 16, Lot 1
 Ward 15, Sheet 16, Lots 1, 2, 6 and 11; and
 Ward 15, Sheet 17, Lot 6 1/2

I wish to hereby advise the City Council that the petitioners hereby amend said rezoning petition to retain an R-3 buffer zone of 101 foot width from the rear lot lines of all adjacent properties fronting on Shelbourne Road, to wit, lots 64, 61-1/2, 2-1/2, 3-1/2, 4-3/4, 4-1/4, 4-1/2, 5; 6-1/2, 6 and 7, Sheet 16, Ward 5.

Please advise Council of this amendment.

Very truly yours,

MCGUIRE, WOOD, WORLEY, BISSETTE & WOLCOTT, P.A.

By Richard A. Wood, Jr.
 Richard A. Wood, Jr.

RAWjr:nl

cc: Mr. Verl R. Emrick, Jr.

Upon inquiry of Councilwoman Price, Mr. Ingold and Mr. Faison answered questions relative to the transportation report and the percentage of fringe growth the mall might generate.

Mr. Wood noted that as indicated in the transportation report, the developer is going to pay a portion of the expense for the highway improvements. He also noted that the mass transit system presently travels to the property with very few passengers at the present.

A discussion was held relative to the increased tax the shopping center would bring into the City of Asheville. Mr. Wood furnished members of Council with a report entitled "Westland Mall Tax Revenue Impact."

Councilman Cole spoke in favor of the rezoning and the construction of the mall stating that he believed in the "free enterprise system."

Vice Mayor Morris spoke in favor of the rezoning stating that the increased tax to be generated from the construction of the mall would equal ten cents on the tax rate. He said he felt the minor inconveniences, such as increased traffic, would be worth the return. He said a site plan for the Westland Mall would require Council's approval and he would not vote for the approval without an access to the property from the Interstate.

Councilman Wilkes spoke in favor of the rezoning stating that the project would generate more tax revenue and an opportunity to increase employment.

Councilman Brownlee said he would render a judgement on the rezoning request according to his conscience.

Councilman Boland said he was concerned about the general welfare of the residents in Malvern Hills and the negative impact the construction of the mall would have on their community. He said he was also concerned about the fringe growth the mall would generate in the community. He said he did not feel the road improvements were dealt with properly. He said the construction of the mall would have a negative economic impact on the downtown area and to vote for the rezoning would be violating the Downtown Revitalization Plan. He said he feels there is a need for an Urban Development Strategy and Policy between the City of Asheville and the County of Buncombe.

Councilwoman Price thanked the developers for their interest as well as the citizens for their input into the rezoning request. She read several sentences from a Raleigh Editorial relative to the Crabtree Mall in Raleigh creating problems which was said to have been created through poor City planning and the lack of planning. She spoke in opposition to the rezoning.

Councilman Cole moved to call for the question on the third reading of Ordinance No. 1084. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1084 passed on third and final reading, with Councilwoman Price and Councilman Boland voting "no."

Complete text of Ordinance No. 1084 will be found in Ordinance Book No. 8 at page 299.

Jim Daniels, Chairman of the Asheville Revitalization Commission, said even though the Commission announced on March 12, 1980, a proposed Regional Shopping Mall for the downtown area, he would request that Council approve the rezoning of the property for the construction of the Westland Mall.

The following individuals spoke in support of the rezoning:

- Kenneth Pankow - 15 Cedarcliff Road
- Eddie Sisson - Manager of Bear Creek Apartments
- Wayne Cooper - Representing the West Asheville Businessmen's Assoc.
- Sybil Hamilton - 1526 Patton Avenue
- Julian Brookshire - 239 Bear Creek Road
- Rob Waller - Malvern Hills
- Gerald Green - Sardis Road
- Harold Sloan - Southern Pump & Tank Company
- Robert Green - Hominy Valley

Herbert Hyde, attorney, said he represented taxpayers and homeowners in Malvern Hills. He presented a petition containing some 237 signatures protesting the rezoning of the property in question. He said the residents in Malvern Hills do not oppose the construction of the Westland Mall or the rezoning, but oppose the increased traffic in the area that would be generated by the construction of the mall. He said Council must protect the health, welfare, and public safety of the residents in Malvern Hills.

Mr. Hyde said the rezoning, if approved, may be in danger of being contested as "contract zoning." He also pointed out that, in his opinion, the ordinance, because of the statutes, would have to revert back to the first reading because three of the Council members, now serving on Council, did not vote on the rezoning on first and second readings in 1978. He said in his opinion an issue can not be carried over from one Council to another.

The following individuals spoke in opposition to the rezoning:

- Dr. Alan Haney - Mountain Chapter, Conservation Council of North Carolina
- Carroll Hughes - Representing the local AIA Organization
- Evelyn Block - Sierra Club
- Kenneth Richards - Montford Community Club
- Mrs. C. M. Morgan - Zephyr Hills
- Lloyd Locke - Malvern Hills Community Club
- Bruce Hart - 70 Arlington Street
- Tom Wernicke - 203 Westwood, Swannanoa, NC
- Jim Novat
- Joe Hoffman - 30 Zephyr Drive
- Norma Anderson - 147 Shelburne Road
- Cecil Roberson - 181 Bear Creek Road
- Yvonne Roberson - 181 Bear Creek Road
- Veronica Fisher
- Mel Thomason - 89 N. Liberty Street
- Jim Samsel
- Carolyn Tingle - 270 Edgewood Road
- Chad Gordon
- Lillian Alexander - Shelburne Road
- Helen Reed
- F. A. Simmons - Sand Hill Road
- Herman Medler - 42 Cranford Road, Malvern Hills
- Betty Lawrence - 362 Cumberland Avenue
- Ann Anderson - 147 Shelburne Road

- F. Approval of a budget amendment amending the City of Asheville Fiscal 1979-80 General Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$63,000, is to restore funds to the Street Lighting budget because savings did not materialize which were suppose to occur as a result of reducing the number of street lights.

- G. Approval of a budget amendment amending the City of Asheville Operating Budget for Fiscal Year 1979-80.

HIGHLIGHTS: This amendment, in the amount of \$8,270, is to provide funding for an Employee Training and Testing Resource Center.

- H. Resolution No. 80-42 - Resolution of intent to close a portion of South Grove Street and an unnamed alley and calling a public hearing on the question for April 17, 1980.

HIGHLIGHTS: The Housing Authority is requesting that a portion of South Grove Street and an unnamed alley be closed as a part of the East Riverside Plan and in order that Disposal Parcel 3 of the East Riverside Redevelopment Project can be developed.

Resolution Book No. 12 Page 45.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the consent agenda was unanimously approved.

RESOLUTION NO. 80-43 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE N. C. DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR THE ASHEVILLE COMMUNITY DEVELOPMENT - URBAN DEVELOPMENT ACTION GRANT PROGRAM

5. Consideration was given to a resolution authorizing submission of an application to the N. C. Department of Natural Resources and Community Development for the Asheville Community Development - Urban Development Action Grant Program.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 80-43 was unanimously adopted.

Complete text of Resolution No. 80-43 will be found in Resolution Book No. 12 at page 46.

PROCLAMATION - MARCH 14 - 15, 1980 - "MISS NORTH CAROLINA U.S.A. 1980 PAGEANT DAYS"

Mayor Trantham proclaimed March 14 and 15, 1980 as "Miss North Carolina U.S.A. 1980 Pageant Days."

APPROVAL OF THE CONSENT AGENDA

4. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-41 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the construction of a six-inch I. D. Steel Butt-Weld Water Main on Louisiana Avenue.

HIGHLIGHTS: This encroachment agreement with the North Carolina Department of Transportation is for the water line to be constructed on Louisiana Avenue. This is for business and residential use and is being built to the City's specifications.

Resolution Book No. 12 page 44

- B. Approval of a budget amendment amending the City of Asheville Federal Programs Fund Budget for Fiscal Year 1979-80.

HIGHLIGHTS: This amendment, in the amount of \$578, will reflect the fifteen percent (15%) reduction in budgeted administrative expenses for CETA grants. This amendment will correct the City's budgets to reflect this reduction.

- C. Approval of a budget amendment amending the City of Asheville Fiscal Year 1979-80 Annual Operating Budget.

HIGHLIGHTS: Several budget adjustments are necessary in order to budget for increases/decreases in revenues and expenditures that have occurred throughout the year for various reasons. The adjustments are outlined in the budget motion.

- D. Approval of a budget amendment amending the City of Asheville Fiscal Year 1979-80 Annual Operating Budget.

HIGHLIGHTS: This amendment will provide funds for purchases budgeted and encumbered in Fiscal Year 1978-79 but paid for in the current fiscal year.

- E. Approval of a budget amendment amending the City of Asheville Fiscal 1979-80 Annual Operating Budget.

HIGHLIGHTS: This amendment, in the amount of \$930, is to remove appropriation for Worker's Compensation insurance from Library budget because Library is not covered under the City's insurance program for Worker's Compensation. Funds are re-appropriated in Sanitation Division budgets.

Thursday, March 20, 1980 - 4:00 p.m.

Regular Meeting

Present: Acting Mayor Norma T. Price, Presiding; Councilmen F. Jack Cole, H. C. Wilkes, Walter R. Boland, and Harold F. Brownlee; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (due to illness) and Vice-Mayor Ralph D. Morris, Jr. (due to engagement out of town).

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 13, 1980 meeting.

Councilman Cole moved, due to Council's inadvertent failure to amend Ordinance No. 1084 on Thursday, March 13, 1980, to retain an R-3 Residential Classification as to a portion of said property, as withdrawn by Petitioners prior to said reading, to reconsider the third reading of Ordinance No. 1084 on Thursday, March 27, 1980, and that the Council instruct the City Clerk to publish notice of Council's intention to reconsider the third reading of said Ordinance, as amended, at said meeting. This motion was seconded by Councilman Brownlee and carried unanimously.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the March 13, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-44 - RESOLUTION OF APPRECIATION AND COMMENDATION TO PHILLIP FULLER

2. Consideration was given to a resolution of appreciation and commendation to Phillip Fuller.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 80-44 was unanimously adopted.

Complete text of Resolution No. 80-44 will be found in Resolution Book No. 12 at page 48.

RESOLUTION NO. 80-45 - RESOLUTION OF APPRECIATION AND COMMENDATION TO FAYNE W. BRADLEY

3. Consideration was given to a resolution of appreciation and commendation to Fayne W. Bradley.

Councilman Brownlee read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 80-45 was unanimously adopted.

The complete text of Resolution No. 80-45 will be found in Resolution Book No. 12 at page 49.

PROCLAMATION - BETA SIGMA PHI YEAR - APRIL 30, 1980 - APRIL 31, 1981

Mayor Trantham proclaimed April 30, 1980 through April 31, 1981 as
"Beta Sigma Phi Year."

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Vice-Mayor Morris, the
meeting adjourned at 7:40 p. m.

Adjournment.


MAYOR


CITY CLERK

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
31	Residential	3,000	3,455	W. D. Metcalf Building & Realty Corp.
68	Residential	2,200	2,276	LS&M Building Company
72	Residential	2,000	2,076	LS&M Building Company
94	Residential	2,300	2,300	Oscar L. McCoy
128	Residential	2,600	2,676	LS&M Building Company
169	Residential	1,800	2,055	W. D. Metcalf Building & Realty Corp.

Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the locations of the parcels and the proposed use of the property.

In reply to Councilman Wilkes' inquiry, Mr. Holt explained the housing incentive payment on the purchase of lots in the East Riverside Renewal Area.

Councilman Wilkes moved to approve the sale of the disposal parcels in the East Riverside Renewal Project as recommended by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EXTENSION OF CONTRACT WITH THE LAND-OF-SKY REGIONAL COUNCIL FOR THE CONTINUATION OF THE ASHEVILLE RIVERFRONT REVITALIZATION PROGRAM

8. At the request of the Land-of-Sky Regional Council, this item was removed from the agenda until next week.

RESOLUTION NO. 80-46 - RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS TO CONDUCT FEASIBILITY STUDIES RELATIVE TO THE STROUSE-GREENBERG AND COMPANY PROPOSAL

9. Consideration was given to a resolution authorizing expenditure of funds to conduct feasibility studies relative to the Strouse-Greenberg and Company proposal.

The City Manager read the resolution.

Councilman Wilkes supported the spending of these funds for the feasibility study because he felt it would inform them of what is really going on in that area and Council would be in a better position to make a decision.

Michael Blankenship, resident of the City, spoke in opposition of the spending of these funds. He felt that the money should be given to local merchants.

Wayne Caldwell, Chairman of Save Downtown Asheville, said that he did not object to the study but he did oppose the study being done by the City Planning Department. He felt that an outside firm should do the study.

Ralph Bishop, resident of the City, spoke in opposition of the spending of these funds.

Verl Emrick explained that the funds are Community Development funds and that no local tax funds are involved in this. He also indicated that if outside expertise was needed they certainly would be employed.

Councilman Boland commented that Council was not endorsing the downtown mall at this time but is only seeking more information.

PUBLIC HEARING - AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES ENTITLED, "STREETS AND SIDEWALKS"

4. Due to advertising problems, a motion was made by Councilman Boland to reschedule this public hearing for April 17, 1980. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1160 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property on Haywood Street for Naegele Advertising Company)

5. Consideration was given to the second reading of Ordinance No. 1160, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on Haywood Street for Naegele Advertising Company.

Acting Mayor Price said the ordinance was previously read on first reading and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1160 passed on second reading.

PROGRESS REPORT ON CLEAN COMMUNITY SYSTEM

6. A progress report was given by Mrs. Jean Webb of Quality Forward and Mrs. Bess Baird, Project Pride Coordinator.

Mrs. Webb passed out a progress report on Quality Forward's activities from July 1, 1979 through January, 1980. She updated Council on all the projects in progress.

Mrs. Baird passed out weekly litter lesson packages that are currently being used in the schools and explained that the lessons are written in a simple language that school children can relate to.

Councilman Boland stated that there was some fear and concern in some of the poor segments of the community relative to the marking of trash cans. Mrs. Webb explained that the majority of the trash cans that are being marked have rusted out bottoms. She said that the cans were checked first by a Sanitation worker and then by a Code Enforcement Officer to make sure that the can was truly unsafe, unsanitary and not useable.

Councilman Boland suggested that in the near future the Council be given a status report on these trash can markings.

APPROVAL OF THE SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECT

7. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

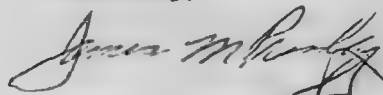
The City Manager said the Housing Authority has received the following bids for disposal parcels in the East Riverside Renewal Project.

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
3	Commercial	20,000	20,000	Hayes & Lunfords Electric Co.
13	Residential	2,000	2,555	W. D. Metcalf Building & Realty Corp.

- (2). That the increase in the tax valuation will substantially increase the city's tax base, including the peripheral area around the center.
- (3). That the increase in the sales tax collections will substantially increase the proportion of the sales tax in Buncombe for the city use, as well as the total dollars in taxes.
- (4). That benefit will accrue to the city, not only in the increase in retail business, but in the development of adjacent apartment buildings, desirable entertainment and dining establishments. The Hotel Complex will insure a greater number of out of town visitors and result in increased sales revenues from visitors who would not be in Asheville on any other occasion.
- (5). That mass transportation would be readily available and more easily used in this development than in one developed outside the Mid-City area. This could have a very beneficial effect in alleviating some of the deficits now present in the Transportation Authority. The energy savings will be significant.
- (6). That intensive efforts be made to include in the planning process the businesses which will be temporarily displaced to assure their continued business success.

To this end, the Mid-City Merchants Council stands ready to assist in whatever way it can, and has formed an ad-hoc Committee for that purpose.

Sincerely,



James M. Pressley
President

Larry Gordon, Gordon's Jewelers, said that he wanted to see that a portion of the funds be directed toward the people or merchants who will have to move due to the construction of the proposed mall.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 80-46 was unanimously adopted.

Complete text of Resolution No. 80-46 will be found in Resolution Book No. 12 at page 50.

APPROVAL OF THE CONSENT AGENDA

Mrs. Lucy Young, resident of the City, questioned that if the Council decided to endorse the downtown mall, would the citizens have an opportunity to voice their concerns and vote on the matter. Councilman Cole explained that a public hearing would be held and the citizens would be given several opportunities to express their opinion.

Ms. Jan Schochet, resident of the City, did not object to the study being done but suggested that an outside firm do it.

Mr. Richard Rosen, a downtown merchant, endorsed the spending of these funds.

Ms. Katheryn Long, a downtown merchant, said that a timetable she found in the Planning Department on the proposed downtown development did not show a public hearing date. Acting Mayor Price stated that the City Council would set the public hearing date, not the staff.

The City Manager read the following letter from the Mid-City Merchants Council:

MID-CITY MERCHANTS COUNCIL

P.O. Box 7496

Asheville, North Carolina 28807

March 19, 1980

Officers

James M. Pressley
President

Robert E. Burt
Vice President

Ray Burchfield
Vice President

Helen S. McEwen
Secretary

Cecil Talbot
Treasurer

TO: Asheville City Council
and
The Committee of 25 for
the Downtown Mall Development

Board Members

Robert W. Anthony,

Carl C. Brody

Woodrow Burns

Leonard Clayton

F. Jack Cole

Charles T. Enman

Seymour H. Figel

William B. Fluharty

William D. Galyean, Jr.

Paul Greene

Donald G. Heet

Charles R. Kern

Richard Reece

Leon Rocamora

Richard Rosen

The Mid-City Merchants Council Board of Directors at its regular meeting on Tuesday, March 18th voted overwhelmingly as follows:

"The Mid-City Merchants Council heartily endorses, assures its cooperation, and encourages a positive approach by the Asheville City Council, and Committee of 25, for the proposed downtown shopping Center, for the purpose of making the plan become a reality."

The positive action approach recommended by members of the Mid-City Merchants Council is to make the taxpayers aware of the following points:

- (1). That there will be no cost to the city. Under contractual agreement with the developer the city will be reimbursed for the full cost of the investment of the city - plus interest by the developer.

D. Approval of a budget amendment amending the Water and Sewer Capital Construction Fund Budget.

HIGHLIGHTS: This amendment, in the amount of \$11,850 is to fund easement and right-of-way research in conjunction with the 208 Areawide Water Quality Management Plan and to fund the W. T. Weaver Boulevard Water Line Extension.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

DEMONSTRATION PARKING PROGRAM EXTENDED

Consideration was given to a motion extending the demonstration parking program through June 30, 1980.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, the demonstration parking program was extended through June 30, 1980. This motion was carried unanimously.

RESOLUTION NO. 80-49 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH BUCHANAN CONCRETE CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS WALNUT STREETSCAPE

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Buchanan Concrete Construction Company for the project known as Walnut Streetscape.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 80-49 was unanimously adopted.

Complete text of Resolution No. 80-49 will be found in Resolution Book No. 12 at page 54.

ENDORSEMENT OF PAY DAY '80 PROJECT

Councilman Boland moved that the City Council endorse the Pay Day '80 Project. This motion was seconded by Councilman Wilkes and carried unanimously.

INVITATION TO COUNCIL MEMBERS TO TOUR LEXINGTON AVENUE THROUGH BROADWAY AREA

Wayne Caldwell extended an invitation to the members of City Council to tour the Lexington Avenue through Broadway area.

RALPH BISHOP

Ralph Bishop again spoke about the lottery sales being allowed to operate in the City.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the meeting adjourned at 5:25 p.m.

Ralph M. Bishop
MAYOR

William F. Halcro
CITY CLERK

10. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-47 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville Change Order No. 7 with Southworth Construction Company, Inc. for the project known as Renovation of Valley Street Maintenance Facility.

HIGHLIGHTS: The City wishes to add recommended entrance and exit changes as required by the North Carolina Building Code to the contract currently in progress with Southworth Construction Company, Inc. and called Renovation of Valley Street Maintenance Facility. This change order is in the amount of \$1,930.00 and sufficient funds for this change order is provided for in the Operations Complex Capital Project.

Resolution Book No. 12 at page 52.

- B. Resolution No. 80-48 - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with Debra Ruth Perry regarding a portion of Hiwassee Street.

HIGHLIGHTS: The City has a right-of-way on Hiwassee Street, adjoining the property of Debra Ruth Perry, owner of Civic Center Motel. Debra Perry has requested permission to encroach on the right-of-way for the purpose of removing the existing drive ramps along a portion of the north margin of Hiwassee Street, installing concrete curb and undertaking landscaping improvements. The portion of right-of-way requested to be used is not currently being used by the City and the improvements will benefit the citizens of Asheville and will not impair the use of Hiwassee Street for travel.

Resolution Book No. 12 at page 53.

- C. Approval of bids received March 14, 1980 for water meter rims and lids for the City of Asheville Water Department.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of lowest bid submitted by South-eastern Distributors in the amount of \$10,670.00. Funding: Water and Sewer Operations - Warehouse Inventory - Account Code 30-140.

ORDINANCE NO. 1160 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (re-zoning property on Haywood Street for Naegele Advertising Company)

3. Consideration was given to the third and final reading of Ordinance No. 1160, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on Haywood Street for Naegele Advertising Company.

Mayor Trantham said that the ordinance was previously read on the first reading and members of Council have received copies of the ordinance, so it will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1160 passed on its third and final reading.

Complete text of Ordinance No. 1160 will be found in Ordinance Book No. 9 at page 104.

ORDINANCE NO. 1161 - AN ORDINANCE AMENDING SECTIONS 28-48 (DRIVING WITHIN SIDEWALK AREA) AND 28-95 (PARKING PROHIBITED IN SPECIFIED PLACES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO FURTHER RESTRICT THE PARKING OF VEHICLES

4. Consideration was given to an ordinance amending Sections 28-48 (Driving within sidewalk area) and 28-95 (Parking prohibited in specified places) of the Code of Ordinances of the City of Asheville to further restrict the parking of vehicles.

The City Manager read the ordinance explaining that this would add curbs, median strips and planted areas to the list of prohibited parking places and would also prohibit driving over curbs.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1161. This motion was seconded by Councilwoman Price.

Councilwoman Price requested that parking vehicles within a few feet of an intersection also be prohibited. City Manager Michalove said that he believed there was already a section in the Code of Ordinances dealing with this and he would research it and report his findings to Council.

On a roll call vote of 6-0, Ordinance No. 1161 passed on its first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1161. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1161 passed on its second reading.

ORDINANCE NO. 1162 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

5. Consideration was given to an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

Thursday, March 27, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr.; Councilwoman Norma T. Price, Councilmen F. Jack Cole, B. C. Wilkes, Harold F. Brownlee; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland (due to engagement out of town).

INVOCATION

The invocation was given by Reverend James Tucker of Morningside Baptist Church.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 20, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the March 20, 1980 meeting were approved as submitted.

ORDINANCE NO. 1084 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (rezoning property on South Bear Creek Road and N. C. 191 Connector)

2. Reconsideration was given to the third reading of Ordinance No. 1084, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property on South Bear Creek Road and N. C. 191 Connector.

Councilwoman Price said that the ordinance was passed two weeks ago on the third reading. However, at the beginning of the meeting on the third reading, the developers presented a petition for an amendment to the rezoning request for a portion of a lot along one side of Hominy Creek Road and Shelburne Road area be removed from the rezoning request. City Council failed to act on the amendment to the ordinance, and at the March 20, 1980 meeting, the Council voted to reconsider the third reading of the rezoning request at the March 27, 1980 Council meeting.

Councilman Cole moved that the Council reconsider the third reading of Ordinance No. 1084 for the purpose of amending said ordinance to exclude any portions of said Lots within 101 feet from the rear lot lines of Lots 64, 61½, 2½, 3½, 4-3/4, 4½, 4½, 5, 6½, 6 and 7, Sheet 16, Ward 5, which shall remain zoned as R-3 Residential District. This motion was seconded by Vice-Mayor Morris and carried unanimously.

The City Manager read Ordinance No. 1084 as amended.

On a roll call vote of 5-1, Ordinance No. 1084, as amended, was passed on its third and final reading, with Councilwoman Price voting "no."

Councilman Wilkes said that he was not voting for the mall but only on the question of whether or not to rezone the property.

Mr. Herman Medler, 42 Cranford Road, read a prepared statement opposing the Westland Mall. A copy of Mr. Medler's statement is available in the Office of the City Clerk.

Complete text of Ordinance No. 1084 will be found in Ordinance Book No. 8 at page 299.

Complete text of Resolution No. 80-50 will be found in Resolution Book No. 12 at page 55.

BUDGET AMENDMENT - AMENDING THE CITY OF ASHEVILLE FISCAL 1979-80 OPERATING BUDGET AND FEDERAL CAPITAL PROJECTS FUND

7. Consideration was given to an approval of a budget amendment amending the City of Asheville Fiscal 1979-80 Operating Budget and Federal Capital Projects Fund.

The City Manager presented the budget amendment and stated that the purpose of this amendment is to budget two LEAA grants, Mobile Unit and Portable Alarms, in the Federal Capital Projects Fund. He said that more specifically, the amendment would transfer Mobile Unit budget from General Fund Police Department Budget to the Federal Capital Projects Fund, to budget a cash match for Mobile Unit and Portable Alarm grants in the Federal Capital Projects Fund, and to budget revenue and expenditures for Portable Alarm Grant in the Federal Capital Projects Fund. This budget amendment decreases the revenues and expenditures in the Operating Budget by \$9,585 and increases the revenues and expenditures in the Federal Capital Projects Fund Budget by \$13,490.

Councilwoman Price moved for the adoption of the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Morris and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-51 - Resolution directing the Clerk to investigate a petition received under G. S. 160A-31.

HIGHLIGHTS: The City Council has received a petition from the owners of a portion of Regent Park requesting annexation into the corporate limits. The property is approximately 153 feet by 365 feet and is presently occupied by the existing buildings of the Fiesta Cantina (in operation) and the proposed establishment of the Happy Flounder Fish House (now vacant).

Resolution No. 80-51 will be found in Resolution Book No. 12 at page 56.

- B. Resolution No. 80-52 - Resolution authorizing the Mayor to execute a right-of-way encroachment with Charles and Jeanne Cummings for the purpose of constructing a sewer line.

The City Manager explained that a petition was received from taxicab owners on February 21, 1980, requesting an increase in fares and also an opportunity to have some designated taxicab spaces on the street. He said the City Council will be acting on the portion of the petitioners' request dealing with the increase of fares, since the City Manager is empowered to designate on-street parking. In order to meet this portion of the petitioners' request, he said he would meet with the Traffic Engineer and make a decision as to whether or not the spaces can be designated.

The City Manager read the ordinance.

Mr. Carl Ownbey, Planner, said that the Transportation Committee did review this petition and it was their recommendation that the increase in fares be approved.

Mr. Ed Worley, American Cab Company, said that the rate increase was requested due to the increase of gasoline, which has almost doubled since their last rate increase, the ever-rising cost of parts and service to automobiles and the cost of insurance.

Mr. Worley said that the on-street parking taxicab spaces were being requested in an attempt to cut down on fuel consumption by eliminating runs back and forth to the company headquarters and remaining in the business district instead. He said that this request was in line with the federal and state energy guidelines.

Upon inquiry Councilman Wilkes, it was determined that an average 2.8 mile trip would cost approximately \$5.00 (\$1.95 for one mile).

Councilwoman Price moved for the adoption of Ordinance No. 1162. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 6-0, Ordinance No. 1162 passed on its first reading.

RESOLUTION NO. 80-50 - RESOLUTION AUTHORIZING THE SOLICITATION OF UPSET BIDS FOR LEASE OF PROPERTY NEAR THE ASHEVILLE REGIONAL AIRPORT.

6. Consideration was given to a resolution authorizing the solicitation of upset bids for lease of property near the Asheville Regional Airport.

The City Manager read the resolution.

Mr. Bob Wurst, Budget Director, said that the resolution would authorize the City to solicit upset bids for a proposed lease of some property near the Asheville Regional Airport. He said the offer for upset bids would be open for a 10-day period, beginning March 28, 1980. If no upset bids were received by the end of the 10-day period, the Council would consider, at their April 10, 1980, meeting, authorizing the Mayor to enter into a contract to lease the property.

Upon inquiry of Councilman Wilkes relative to the percentage needed to upset the present bid, Mr. Wurst said that the City would just have to wait to see if an upset bid was received and then go from there since the process involved was so technical and difficult to compute.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 80-50 was unanimously adopted.

amount of \$3,730.96. Funding: LEAA Grant, Account Code 67-35-918.0074. Sufficient funds are available for this purchase.

In response to Vice-Mayor Morris' inquiry relative to this only being a portion of the owners of Regent Park requesting annexation, Mr. Emrick explained that it was his understanding that this is just the first step to get the full annexation of Regent Park. He said that this would start the procedures of investigating the sufficiency of the lot description and answer several other questions. He said that a resolution setting a public hearing on this matter will be forthcoming.

Ms. Rachel Stein, 305 Westover Drive, requested some information on the details of the budget amendment relative to amending the second, fourth and fifth year Community Development funds. Mr. Emrick explained that this budget amendment is only redistributing money already budgeted in the Planning Department.

In reply to Ms. Stein's question relative to the City appropriating funds to the group called "Committee of 36," Vice-Mayor Morris made it clear that the Council did not appoint nor did it have anything to do with appointing this Committee. He said that it was just a group of interested citizens that have no connection with the City or the County. He said that the Committee is asking Council to accept money they raised to help defray costs associated with the feasibility study regarding the proposed downtown complex.

Councilman Wilkes noted that the public would be well aware of any of Council's decisions regarding the proposed downtown complex.

Mr. Gerald Brown, 17 Carolina Lane, questioned Council's authority to act as real estate brokers in relation to the proposed downtown complex. Councilwoman Price said that this question, along with many others, will be answered when the feasibility study is completed.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

SIGNS WHEN WORK IS BEING DONE ON THE STREETS

Councilwoman Price inquired about the signs that were to be put up identifying the company doing work on various streets within the City. The City Manager said various utility companies, as well as the City, had ordered the signs, but they had not been delivered yet.

COMMENDATION TO DEPARTMENTS OF THE CITY

Mayor Trantham commended the Street Department for their work in cleaning several streets in the area.

Councilwoman Price commended the employees of the City of Asheville who keep the City Hall Building clean.

RESOLUTION FROM THE CENTRAL ASHEVILLE ASSOCIATION

The City Manager read the following resolution from the Central Asheville Association. They had requested that this resolution be entered into the minutes.

HIGHLIGHTS: This right-of-way encroachment is for the construction of a sewer line to be constructed on Brooklet Street. Because this line will encroach on property belonging to Charles and Jeanne Cummings, this agreement is necessary.

Resolution No. 80-52 will be found in Resolution Book No. 12 at page 57.

- C. Approval of a budget amendment amending the City of Asheville Fiscal 1979-80 Operating Budget.

HIGHLIGHTS: To transfer money from Collections Division of the Finance Department to the Accounting Division of the Finance Department and to the Customer Services Division of the Water Department in order to reallocate funds pursuant to reorganization of those three divisions.

- D. Approval of a budget amendment amending the City of Asheville Second, Fourth and Fifth Year Community Development funds.

HIGHLIGHTS: To provide funds for additional planning costs necessitated by recent newly developed activities for the Planning Department in relation to economic development and comprehensive planning strategies.

To reprogram available funds for the completion of Chestnut Street Fire Line.

- E. Approval of bids received March 12, 1980, for portable air compressors for Water Maintenance and Construction Division.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of the second low bid submitted by Mitchell Distributing Company in the amount of \$19,143 due to best delivery. Their delivery is 6-8 weeks compared to 100 days offered by North Carolina Equipment Company (lowest bid). The \$203.00 difference in the two bids will be more than offset by the better delivery. Rental of equipment of this type is \$42.00 per day and the equipment is needed as soon as possible. Funding: Water and Sewer Services, Capital Outlay Equipment. Sufficient funds are available for this expenditure.

- F. Approval of bids received March 25, 1980, for photographic equipment for use in the Police Department Identification Program.

HIGHLIGHTS: Ball Photo Supply of North Carolina, Inc. submitted the only fully responsive bid in the

ORDINANCE NO. 1163 - ORDINANCE DESIGNATING CERTAIN FUNCTIONS AND RESPONSIBILITIES TO THE DIRECTOR OF FINANCE

Consideration was given to an ordinance designating certain functions and responsibilities to the Director of Finance.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1163. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 6-0, Ordinance No. 1163 passed on its first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1163. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1163 passed on its second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1163. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1163 passed on its third and final reading.

Complete text of Ordinance No. 1163 will be found in Ordinance Book No. 9 at page 108.

RESOLUTION NO. 80-53 - RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE AGREEMENTS TO REPLACE THE THIRTY INCH TUNNEL ROAD WATER LINE

Consideration was given to a resolution authorizing the Mayor and the City Manager to execute agreements to replace the thirty inch Tunnel Road Water Line.

The City Manager read the resolution and explained that this resolution would enable the City to use emergency purchasing procedures in order to relocate and replace the line.

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 80-53 was unanimously adopted.

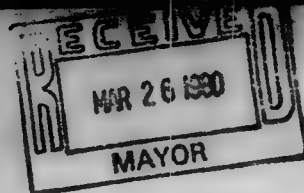
Complete text of Resolution No. 80-53 will be found in Resolution Book No. 12 at page 58.

CLAIMS - COLENE ROOKARD - CHARLES A. HENSLEY, JR. - DOROTHY DEAN - ARCHIE SMITH - T. L. GRAGG - W. M. NEWTON

The City Manager presented claims received from Colene Rookard, Charles A. Hensley, Jr., Dorothy Dean, Archie Smith, T. L. Gragg and W. M. Newton.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

CENTRAL ASHEVILLE ASSOCIATION, INC.
P. O. BOX 225
ASHEVILLE, NORTH CAROLINA 28802



March 24, 1980

TO: The Asheville City Council
and Other Appropriate Authorities

FROM: The Board of Directors of
Central Asheville Association, Inc.

RESOLUTION

Today, by unanimous vote, the Board of Directors of Central Asheville Association has endorsed the concept of the downtown development project as described by Strouse, Greenberg Co. in a recent public announcement.

The Central Asheville Association has for many years represented a substantial proportion of the property owners and businesses in the Downtown area.

It is our strong conviction that the project as proposed offers a unique opportunity for a remarkable and prompt revitalization to this whole section of the city which, in turn, will have an enormous impact on the future progress of our entire region. In short, this concept is in line with our hopes and efforts for the past many years.

Among the very important advantages of the proposal is the fact that it can be done without cost to the city of Asheville.

In addition, it is our belief that there will be substantial eventual increase in the amount of retail sales for the whole city, and an increased city and county tax base, the development of desirable nearby living facilities, entertainment, and a hotel complex almost adjacent to the Civic Center.

It is our belief that the long run effect on existing businesses will be beneficial and would urge that special efforts be included in the planning stage so as to assure those temporarily displaced will be given the strongest cooperation.

We, therefore, urge favorable support by the City Government and other agencies which might be involved in furthering the success of this proposition which could conceivably mean new life to the heart of the city and this whole area.

Respectfully submitted,
Central Asheville Association

By J. L. Hutton, Jr. Secretary-Treasurer

Attachment

JLH/sc

Thursday, April 3, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr.; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, Harold F. Brownlee; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

PROCLAMATION - YOUTH-IN-CITY-GOVERNMENT DAY - APRIL 3, 1980

1. The City Manager recognized the participants in Youth-in-Government Day and read the proclamation.

Mayor Trantham proclaimed April 3, 1980, as "Youth-in-Government Day" in the City of Asheville.

City Manager K. M. Michalove was excused from the meeting at 4:10 p.m. by Mayor Trantham.

APPROVAL OF THE MINUTES

2. Approval of the minutes of the March 27, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the March 27, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-54 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS FROM JAPAN, EGYPT, ITALY AND LIBERIA THAT ARE PARTICIPATING IN THE PROGRAM

3. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the foreign exchange students from Japan, Egypt, Italy and Liberia that are participating in the program.

Councilman Boland welcomed the students on behalf of the Asheville City Council and read the resolution.

Upon motion of Councilman Boland, seconded by Vice-Mayor Morris, Resolution No. 80-54 was unanimously adopted.

Complete text of Resolution No. 80-54 will be found in Resolution Book No. 12 at page 59.

Mayor Trantham presented each student with a welcome letter and a copy of the resolution.

PUBLIC HEARING - DEMOLITION OF 48 BLALOCK AVENUE, 53 BLALOCK AVENUE, 278 HILLSIDE AVENUE AND 90 INDIANA AVENUE

ORDINANCE NO. 1164 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSES KNOWN AS 48 BLALOCK AVENUE AND 53 BLALOCK AVENUE

PROCLAMATION - MONTH OF APRIL, 1980 - CLEAN SWEEP MONTH

Mayor Trantham proclaimed the month of April, 1980, as "Clean Sweep Month."

RALPH BISHOP

Mr. Ralph Bishop commented on the corruption in the Asheville Police Department.

RICK DILLINGHAM - MITCHELL DISTRIBUTING COMPANY

Mr. Rick Dillingham of Mitchell Distributing Company questioned some bid procedures. Corporation Counsel Moore referred Mr. Dillingham to Mr. George Phipps, the City's Purchasing Agent.

REPLACEMENT OF THIRTY INCH TUNNEL ROAD WATER LINE

Mrs. Margaret Stewart, 80 Cumberland Avenue, questioned why the City of Asheville's taxpayer's money is responsible for the thirty inch water line break. Corporation Counsel Moore said that the City is looking into the matter of whose responsibility it is.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the meeting adjourned at 5:28 p.m.


MAYOR


CITY CLERK

On a roll call vote of 7-0, Ordinance No. 1161 passed on its third and final reading.

Complete text of Ordinance No. 1161 will be found in Ordinance Book No. 9 at page 105.

ORDINANCE NO. 1162 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

6. Consideration was given to the second reading of Ordinance No. 1162, an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

Mavor Trantham said the ordinance was previously read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

In response to Councilman Boland's question about a rate structure chart for cities our size, Ed Worley from the American Cab Company, said that our rates might be a little higher than in the flat cities.

On a roll call vote of 7-0, Ordinance No. 1162 passed on its second reading.

APPROVAL OF THE CONSENT AGENDA

7. The City Clerk said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received March 28, 1980, corrugated steel pipe for the Parks and Recreation Department.

HIGHLIGHTS: Five (5) bids were received. Recommend low bid submitted by Silverman Company in the amount of \$5,062.20. Funding: Carry-over Model Cities funds allocation for Riverside Park, Parks and Recreation Department, Capital Outlay - Other Improvements. Account Code 16-526.0073. Sufficient uncommitted funds are available for the above expenditure.

- B. Approval of bids received March 31, 1980, for 2 ½-ton pick-up trucks for the Motor Transport Department; 1 ½-ton pick-up truck, 1 4-wheel drive utility truck, and 3 subcompact 2-door sedans for the Water Maintenance and Construction Division.

HIGHLIGHTS: Four (4) bids were received. Recommend low bid submitted by Apple Tree Chevrolet in the amount of \$33,785.37. Sufficient funding available in all divisions.

4. A public hearing was held relative to the adoption of an ordinance directing the Housing Office to proceed with the demolition and removal of 48 Blalock Avenue, 53 Blalock Avenue, 278 Hillside Avenue and 90 Indiana Avenue.

Mayor Trantham opened the public hearing at 4:20 p.m.

The City Clerk presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Johnson, Chief Building Inspector, said that originally four houses had been included in the advertisement for demolition. However, the owners of the homes at 278 Hillside Avenue and 90 Indiana Avenue had secured building permits for substantial repairs.

Upon inquiry of Councilwoman Price, Mr. Johnson said that the two houses scheduled for demolition are unoccupied and have been for a long time.

Mr. Ted Freck, owner of 48 and 53 Blalock Avenue, said that he did get a permit to repair these homes last fall and he had begun some repairs on the homes. However, he said he could not make all of the repairs in such a short period of time. Mr. Freck said he hoped to have both the homes in livable condition and occupied by this summer.

Mr. Johnson said that there is no substantial work being done on these homes and the Inspections Division is still received complaints from the neighbors relative to the health hazard and overall appearance of the homes.

The public hearing closed at 4:30 p.m.

It was the consensus of the Council to have the Inspections Division contact Mr. Freck before the second and third reading of this ordinance to find out if the work is progressing and what else he proposes to do on the homes.

The City Clerk read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1164. This motion was seconded by Councilwoman Price.

In response to Councilman Boland's inquiry about the City's authority to get involved in the selling of personal property, Vice-Mayor Morris asked that the Corporation Counsel look into this section of the ordinance dealing with the selling of furnishings.

On a roll call vote of 7-0, Ordinance No. 1164 passed on its first reading.

ORDINANCE NO. 1161 - AN ORDINANCE AMENDING SECTIONS 28-48 (DRIVING WITHIN SIDEWALK AREA) AND 28-95 (PARKING PROHIBITED IN SPECIFIED PLACES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO FURTHER RESTRICT THE PARKING OF VEHICLES

5. Consideration was given to the third and final reading of an ordinance amending Sections 28-48 (driving within sidewalk area) and 28-95 (parking prohibited in specified places) of the Code of Ordinances of the City of Asheville to further restrict the parking of vehicles.

Mayor Trantham said the ordinance was previously read on its first reading and members of Council have been furnished with copies, so it would not be re-read in its entirety unless there was a specific request to do so.

with Judge Thornberg to reconsider his decision of March 27, 1980 on the case entitled Carmelite Sisters vs. the City of Asheville. This would enable the Beverly Hills Homeowners Association to file a motion to officially intervene in that lawsuit and would allow the group to have a standing to follow through with an appeal if they care to do so.

A motion was made by Vice-Mayor Morris to instruct Corporation Counsel to file a motion with Judge Thornberg to reconsider his decision of March 27, 1980 on the case entitled Carmelite Sisters vs. the City of Asheville. This motion was seconded by Councilman Cole and carried unanimously.

ATTORNEY JOHN SHACKELFORD'S STATEMENTS RELATIVE TO MARVIN BREWER, RALPH UZELL AND WENDELL BLAIR

Mr. John Shackelford, Attorney representing Marvin Brewer, Ralph Uzell and Wendell Blair, former Water Department employees who were discharged because of misconduct, gave Council detailed background information relative to their discharge and reviewed the personal status of each former employee.

In summary, Mr. Shackelford appealed to the City Council to instruct the City Manager to drop the appeal to the Courts and abide by the Civil Service Board's unanimous ruling to reinstate these employees. In making this request, Mr. Shackelford cited the fact that each time these employees have been heard on the various issues, the decision has been in their favor.

Mr. Ray Stepp, member of the Civil Service Board, said it was the Board's feeling that there was not enough evidence presented to allow them to deprive the employees their means of living. He said that the appeal is nothing more than a face-saving measure and would be a waste of the City's money. In addition, he also stated that the appeal process would be a slap in the Civil Service Board's face and makes the Board look incompetent. Mr. Stepp said it was his opinion that the City should reinstate the employees to their respective positions and if sufficient evidence was gathered in the future to prove them guilty of wrongdoing, then that should be dealt with at that time.

Mr. Stepp pleaded with the Council to use fair and honest judgement in his request that the Council instruct the City Manager to put the employees back to work and to drop the appeal of the Board's decision to the courts.

Vice-Mayor Morris assured Mr. Stepp that the appeal was not meant to be a slap in the Board's face and that the Civil Service Board should not feel incompetent. He said that the Council often overrules the decisions of the Planning and Zoning Commission.

Mr. Osborne Hart, Chairman of the Civil Service Board, answered several questions from members of City Council. He also stated that there was not enough evidence presented to keep these employees from being reinstated.

Mayor Trantham said that this request would be taken into consideration.

SAMUEL E. BUCKNER - COMPLAINT

Mr. Samuel E. Buckner complained about the picking up of unsafe and unsanitary trash cans. He also commented on the rough way the Sanitation employees handle the cans.

- C. Approval of a budget amendment amending the Revenue Trust Fund Operating Budget.

HIGHLIGHTS: To provide funding in the amount of \$10,000 for air conditioning repair in the Civic Center Art Museum.

- D. Resolution No. 80-55 - Resolution fixing date of public hearing on question of annexation pursuant to G. S. 160A-31, as amended.

HIGHLIGHTS: Public hearing date set on April 24, 1980, regarding petition received from the owners of a portion of Regent Park requesting annexation into the corporate limits.

Resolution No. 80-55 will be found in Resolution Book No. 12 at page 60.

- E. Resolution No. 80-56 - Resolution authorizing the Mayor to sign an agreement with Six Associates, Inc. for professional services.

HIGHLIGHTS: Agreement for professional services with Six Associates, Inc.

Resolution No. 80-56 will be found in Resolution Book No. 12 at page 61.

- F. Resolution No. 80-57 - Resolution authorizing the Mayor to execute a temporary right-of-way encroachment agreement with Arbys regarding a portion of Florida Avenue.

HIGHLIGHTS: This is a temporary right-of-way encroachment for the purpose of placing a retaining wall along a portion of the east margin of Florida Avenue and undertaking landscaping improvements.

Resolution No. 80-57 will be found in Resolution Book No. 12 at page 64.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

CLAIMS - RICKEY D. BUCKNER AND COLENE ROOKARD

The City Clerk presented claims received from Rickey D. Buckner and Colene Rookard.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ATTORNEY KEITH SNYDER - BEVERLY HILLS REZONING

Mr. Keith Snyder, Attorney representing the Beverly Hills Homeowners Association, requested the City Council to instruct Corporation Counsel to file a motion

Thursday, April 10, 1980

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr.; Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price (due to out of town engagement) and Councilman H. C. Wilkes (due to out of town engagement).

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 3, 1980 meeting.

Upon motion of Councilman Boland, seconded by Councilman Cole, the minutes of the April 3, 1980 meeting were approved as submitted.

PRESENTATION OF \$9,100 CHECK TO CITY COUNCIL

2. Gene Ochsenreiter, Chairman of the Committee of 36, presented the City Council with a check in the amount of \$9,100 to be used in helping the City in meeting costs created by a feasibility study being conducted by the Planning Department.

RON McFEE - ASHEVILLE TOURISTS

3. Ron McFee, Asheville Tourists, presented City Council with a South-Atlantic baseball pass and thanked them for all their support of the Asheville Tourists.

PROCLAMATION - NATIONAL BOYS CLUB WEEK

4. Mayor Trantham proclaimed the week of April 13-19, 1980, as "National Boys Club Week" and recognized some of the members of the Boys Club in the audience.

ORDINANCE NO. 1162 - AN ORDINANCE AMENDING SECTION 27-8 OF THE ASHEVILLE CODE OF ORDINANCES TO INCREASE THE FARES PRESCRIBED FOR TAXICAB SERVICE

5. Consideration was given to the third and final reading of Ordinance No. 1162, an ordinance amending Section 27-8 of the Asheville Code of Ordinances to increase the fares prescribed for taxicab service.

Mayor Trantham said the ordinance was previously read on its first reading and members of Council have been furnished with copies, so it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1162 passed on its third and final reading.

Complete text of Ordinance No. 1162 will be found in Ordinance Book No. 9 at page 107.

Mayor Trantham instructed the City Clerk to look into this matter.

RALPH BISHOP

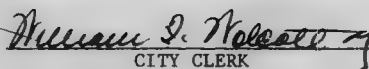
Mr. Ralph Bishop requested a copy of the report the Inspections Divisions survey done for the state on conservation of energy.

Mr. J. E. Johnson stated that the survey was not complete.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 6:05 p.m.


MAYOR


CITY CLERK

- A. Resolution No. 80-59 - Resolution authorizing the City Manager to accept a proposal from Hutchison-Biggs, Inc. to correct the survey of Asheville Regional Airport property.

HIGHLIGHTS: This proposal would correct the legal description of aviation property conveyed to the Airport Authority. Adequate surplus funding is available in the Aviation budget.

Complete text of Resolution No. 80-59 will be found in Resolution Book No. 12 at page 66.

- B. Scheduling of a public hearing for the rezoning of property at the corner of Yorkshire and Reed Streets from R-3 Medium Density Residential District to CS Commercial Service District for May 1, 1980.

HIGHLIGHTS: The Planning and Zoning Commission, at their April 2, 1980 meeting, recommended approval of this rezoning request as requested by the owners of the property, Mr. and Mrs. Rush Jolly.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the consent agenda was unanimously adopted.

PROCLAMATION - NATIONAL SECRETARIES WEEK

Mayor Trantham proclaimed the week of April 14-19, 1980 as "National Secretaries Week."

PROCLAMATION - PRIVATE PROPERTY WEEK

Mayor Trantham proclaimed the week of April 13-19, 1980 as "Private Property Week."

PROCLAMATION - DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mayor Trantham proclaimed the days of April 13-19, 1980, as "Days of Remembrance of Victims of the Holocaust."

SAMUEL E. BUCKNER - COMPLAINT

Mr. Samuel E. Buckner asked the Council if they had an opportunity to investigate the manner in which Sanitation workers handle the trash cans. City Manager Michalove said that he would contact Mr. Buckner and try to resolve any problems that Mr. Buckner was having relative to trash pick-up.

WAYNE CALDWELL - QUESTIONS RELATIVE TO STROUSE-GREENBERG FEASIBILITY STUDY IN PROGRESS BY THE PLANNING DEPARTMENT

Mr. Wayne Caldwell asked that a statement from the Council be forthcoming that the money received from the "Committee of 36" be for an impartial study of the Strouse-Greenberg proposal.

ORDINANCE NO. 1164 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSES KNOWN AS 48 BLALOCK AVENUE AND 53 BLALOCK AVENUE

6. Consideration was given to the second reading of Ordinance No. 1164, an ordinance directing the Housing Officer to demolish the dwelling houses known as 48 Blalock Avenue and 53 Blalock Avenue.

Mayor Trantham said the ordinance was previously read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

Mr. J. E. Johnson, Chief Building Inspector, said that these houses were inspected on this date and no repairs or improvements were noted. He said that the Inspections Division would inspect these houses again before the third reading of this ordinance.

Mr. Johnson noted that he was looking into Councilman Boland's inquiry about the City's authority to get involved in the selling of personal property.

On a roll call vote of 5-0, Ordinance No. 1164 passed on its second reading.

RESOLUTION NO. 80-58 - RESOLUTION ACCEPTING OFFER FOR LEASE OF PROPERTY NEAR THE ASHEVILLE REGIONAL AIRPORT AND AUTHORIZING THE MAYOR TO EXECUTE SAID LEASE.

7. Consideration was given to a resolution accepting offer for lease of property near the Asheville Regional Airport and authorizing the Mayor to execute said lease.

Mr. Bob Wurst, Budget Director, read the resolution and explained that the City received an offer to lease 10.363 acres near the Asheville Regional Airport for a proposed hotel/motel complex with restaurant facilities. He said that the City has solicited for upset bids for said property and none have been received. He then reviewed the terms of the lease and presented the Council with a schedule of projected rental income.

In response to Mayor Trantham's inquiry about water and sewer, Mr. Wurst said that the only hold up is getting the sewer line up Cane Creek to the Airport.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 80-58 was unanimously adopted.

Complete text of Resolution No. 80-58 will be found in Resolution Book No. 12 at page 65.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

Thursday, April 17, 1980 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, Harold F. Brownlee; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham - Mayor Trantham was attending a function with Mrs. Joan Mondale.

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 10, 1980 meeting.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the minutes of the April 10, 1980 were approved as submitted.

PUBLIC HEARING - AMENDMENT OF CHAPTER 25 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS"ORDINANCE NO. 1165 - AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS"

2. A public hearing was held relative to amending Chapter 25 of the Code of Ordinances entitled "Streets and Sidewalks."

The public hearing was opened at 4:10 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager read the ordinance.

Mr. J. E. Johnson, Chief Building Inspector, explained that this will give the Inspections Division the authority not to issue demolition permits in Fire District No. 1 (Downtown) between the week of Thanksgiving and the first week in January. He further explained the reason for the ordinance was to alleviate traffic problems in the downtown area during the Thanksgiving/Christmas shopping season.

The Council requested that the Building Inspector amend the ordinance to ensure that demolition work would not be in progress during the holiday season.

The public hearing was closed at 4:17 p.m.

Councilwoman Price moved for the adoption of Ordinance No. 1165. This motion was seconded by Councilman Brownlee.

Councilman Cole said he had some reservations and said he felt this was a nuisance ordinance.

On a roll call vote of 5-1, Ordinance No. 1164 passed on its first reading, with Councilman Cole voting "no."

Vice-Mayor Morris and Councilman Boland said they felt sure that all staff reports would be impartial and unbiased.

RALPH BISHOP

Mr. Ralph Bishop commented on the lottery sales still going on in the City of Asheville.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Brownlee, the meeting adjourned at 4:45 p.m.

Raymond L. Harrison
MAYOR

Harmon Z. Holcomb
CITY CLERK

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>PARCEL</u>	<u>REUSE</u>	<u>PRICE</u>	<u>BID</u>	<u>REDEVELOPER</u>
26	Residential	2,700	2,900	Dave Massey, et ux
47-48	Residential	3,500	3,650	Alonzo Smith, et ux
58	Commercial	50,000	50,000	B. Marshall Fall
63	Residential	2,000	2,125	James Shepherd, et ux

Mr. Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the locations of the parcels and the proposed use of the property.

Councilman Boland suggested that Council look into the availability of local capital for the purpose of developing minority enterprises.

Councilman Wilkes said that groundwork on Councilman Boland's suggestion has already been started and that they will continue to pursue this aspect.

Upon Councilman Boland's suggestion to form a committee to address this subject, the City Manager said this would be a function of the Community Development/Housing Authority Liaison Committee.

Councilwoman Price invited Councilman Boland to attend the Community Development/Housing Authority Liaison Committee meetings.

Councilman Wilkes moved to approve the sale of the disposal parcels in the East Riverside Renewal Project as recommended by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

WILLIAM DEBRUHL - AWARDED CERTIFICATE FOR WATER TREATMENT PLANT DESIGN

The City Manager presented Mr. William DeBruhl, Director of Water and Sewer Services, a certificate for completing the Water Treatment Plant Design course at the University of Florida.

RESOLUTION NO. 80-61 - RESOLUTION INDICATING THE WILLINGNESS, POTENTIAL AND CAPACITY TO SUPPORT ADDITIONAL GROWTH THROUGH THE STATE-WIDE BALANCED GROWTH POLICY

Consideration was given to a resolution indicating the willingness, potential and capacity to support additional growth through the State-Wide Balanced Growth Policy.

The City Manager read the resolution.

Mr. Marvin Vierra, Planner, reported the status of the Balanced Growth Policy.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 80-61 was unanimously adopted.

Complete text of Resolution No. 80-61 will be found in Resolution Book No. 12 at page 69.

PUBLIC HEARING - CLOSING A PORTION OF SOUTH GROVE STREET AND AN UN-NAMED ALLEY

RESOLUTION NO. 80-60 - RESOLUTION TO CLOSE A PORTION OF SOUTH GROVE STREET AND AN UN-NAMED ALLEY

3. A public hearing was held relative to closing a portion of South Grove Street and an un-named alley.

Vice-Mayor Morris opened the public hearing at 4:20 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Holt explained that the southern portion of South Grove Street and the un-named alley are requested to be closed in order to complete the East Riverside Redevelopment Plan which is scheduled to be closed out in June, 1980, and in order that Disposal Parcel 3 of the East Riverside Redevelopment Project can be developed. He said the only privately owned property fronting on that portion of South Grove Street is owned by Mr. Ralph Presley of Hays and Lunsford and he has no objections to the closing.

Mr. Holt answered questions from members of Council.

Vice-Mayor Morris closed the public hearing at 4:30 p.m.

Corporation Counsel Moore read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-60 was unanimously adopted.

Complete text of Resolution No. 80-60 will be found in Resolution Book No. 12 at page 67.

ORDINANCE NO. 1164 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSES KNOWN AS 48 BLALOCK AVENUE AND 53 BLALOCK AVENUE

4. Consideration was given to the third and final reading of Ordinance No. 1164, an ordinance directing the Housing Officer to demolish the dwelling houses known as 48 Blalock Avenue and 53 Blalock Avenue.

Vice-Mayor Morris said the ordinance was previously read on its first reading and members of Council have been furnished with copies, so it would not be re-read in its entirety unless there was a specific request to do so.

Mr. J. E. Johnson said that work is now in progress on one of the houses and requested that Council table this demolition ordinance for the time being. He said that he would continue to check each week to see how the work was progressing.

Councilwoman Price moved that this ordinance be tabled until there is a request from Mr. Johnson for it to be considered again. This motion was seconded by Councilman Wilkes and carried unanimously.

APPROVAL OF THE SALE OF DISPOSAL PARCELS IN THE EAST RIVERSIDE RENEWAL PROJECT

4. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

General Revenue Sharing Trust Fund, Street Division Capital Outlay. Sufficient funds are available for the above expenditure.

- D. Approval of bids received April 11, 1980, for six high-wheel mowers, 26" cut, for Park Maintenance and Riverside Cemetery.

HIGHLIGHTS: Three (3) bids were received. Recommend acceptance of low bid submitted by E. J. Smith & Sons in the amount of \$2,956.80. Funding: Revenue Sharing Trust Fund. Sufficient funds are available for this expenditure.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

RESOLUTION NO. 80-64 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH SILVER'S GRADING AND TRUCKING CONTRACTORS INCORPORATED FOR THE PROJECT KNOWN AS KEEBLER ROAD EIGHT-INCH FIRELINE

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Silver's Grading and Trucking Contractors Incorporated for the project known as Keebler Road Eight-Inch Fireline.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-64 was unanimously adopted.

Complete text of Resolution No. 80-64 will be found in Resolution Book No. 12 at page 72.

INVITATION TO THE ASHEVILLE CITY COUNCIL

City Manager Michalove said that the Asheville City Council was invited by the Asheville Parks and Recreation Department to a reception to honor "V.I.P.'s" - our volunteers, on Thursday, April 24, 1980, at 7:30 p.m. at the Senior Opportunity Center.

CLAIMS - CARRIE JOHNSON, J. T. RICE AND MARIA BLOUNT

The City Manager presented claims received from Carrie Johnson, J. T. Rice and Marie Blount.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - STATE OF ISRAEL WEEK

Vice-Mayor Morris proclaimed the week of April 20-26, 1980 as "State of Israel Week."

REPORT BY THE CITY MANAGER - SAMUEL E. BUCKNER COMPLAINT

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-62 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: The City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of \$100.00 shall be made by the Director of Finance unless direction be made by the Council by resolution. The Department of Public Works has a 3/4 cubic yard P & H Crane which is obsolete, beyond repair and has been inoperable several years. This resolution will authorize the Director of Finance to sell the aforementioned Crane, including all boom attachments, taglines, and fairleads to the highest bidder.

Resolution No. 80-62 will be found in Resolution Book No. 12 at page 70.

- B. Resolution No. 80-63 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: The City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of \$100.00 shall be made by the Director of Finance unless direction be made by the Council by resolution. The Asheville Fire Department has surplus fire alarm telegraph equipment consisting of bells, reels, and registers, that is outmoded and no longer used or needed by the City. This resolution will authorize the Director of Finance to sell the surplus materials identified above to the highest bidder.

Resolution No. 80-63 will be found in Resolution Book No. 12 at page 71.

- C. Approval of bids received April 8, 1980, for one cab and chassis diesel truck with 5 to 6 yard dump bed for the Street Division.

HIGHLIGHTS: Two (2) bids were received. Recommend acceptance of low bid submitted by Apple Tree Chevrolet, Inc. in the amount of \$21,730.37. Funding:

Thursday, April 24, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr.; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee; Corporation Council William C. Moore; Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes (due to engagement in Rutherfordton, North Carolina) and City Manager K. M. Michalove (due to engagement in Raleigh, North Carolina)

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 17, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the April 17, 1980 meeting were approved as submitted.

PRESENTATION OF CERTIFICATES FOR ASHEVILLE FIRE DEPARTMENT EMPLOYEES

Mayor Trantham presented Firefighter Steven Brown and Fire Driver Charles T. Parker with Certificates of Merit. He also presented their supervisor, Captain G. W. Sams, with a Certificate of Appreciation.

PUBLIC HEARING - PETITION FROM OWNERS OF A PORTION OF REGENT PARK REQUESTING ANNEXATION INTO THE CORPORATE LIMITS**ORDINANCE NO. 1166 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA**

2. A public hearing was held relative to annexing a portion of Regent Park into the Corporate Limits.

Mayor Trantham opened the public hearing at 4:15 p.m.

Associate City Manager Wolcott presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Director of Planning, gave Council background information relative to this request. He said that annexing this portion of Regent Park is just the first step to get the full annexation of Regent Park into the corporate limits by September 30, 1980.

Mr. Talmage Penland, Attorney representing Universal Investment Corporation, which is the owner of Regent Park, said that they hoped to have Regent Park in its entirety annexed into the corporate limits by 9-30-80.

Vice-Mayor Morris felt reluctant to annex just a portion of Regent Park without some written agreement or firm commitment that the rest would be annexed by 9-30-80.

Mr. Penland said his client was not present at the meeting and that he did not have the authority to enter into such an agreement. He suggested that

The City Manager read the following report relative to the complaint received from Mr. Samuel E. Buckner, 111 Reed Street:

1. Request for free setout/setback services. On July 7, 1979, Johnny Goggans, Sanitation Area Supervisor, investigated the request and based on his findings that there were four (4) ablebodied persons living in the home, the request for free service was denied on September 13, 1979.
2. Three (3) cans were removed from the residence of Mr. Buckner on March 12, 1980. Clarence Nearer, Area Inspector, tagged and marked the cans with a red (X), because the bottoms of the cans were rusted and rotted out. In addition, Mr. Nearer also left a tag on the door of the residence. On March 19th or March 26th, when the cans were set out again, the Sanitation Crew removed them in accordance with the code enforcement of the new regulations.

The City Manager said that they have tried to contact Mr. Buckner on several occasions and have not succeeded.

PROCLAMATION - VOLUNTEER RECOGNITION WEEK

Vice-Mayor Morris proclaimed the week of April 20-26, 1980, as "Volunteer Recognition Week."

PROCLAMATION - EARTH DAY

Vice-Mayor Morris proclaimed April 22, 1980 as "Earth Day."

WAYNE CALDWELL - SAVE DOWNTOWN ASHEVILLE

Mr. Wayne Caldwell said that the Save Downtown Asheville Committee is ready to report formally to Council their compiled statistics, economic data and concrete plans, as an alternative to the Strouse-Greenberg proposal.

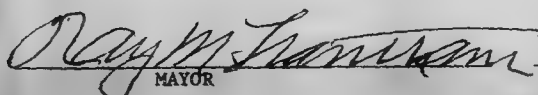
The City Manager said that he would contact Mr. Caldwell and set up a date when this could be presented in a Council worksession.

RALPH BISHOP

Mr. Ralph Bishop made comments relative to the Asheville Police Department.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the meeting adjourned at 5:20 p.m.

 MAYOR  CITY CLERK

to a week before Thanksgiving shall be scheduled by the Building Inspector to maintain traffic safety."

Mr. J. E. Johnson said that if any type of demolition permit, whether it was for tearing down a whole building or just a small shed in back of one of the stores, was requested during the Thanksgiving/Christmas season, the request would be denied. He said that the scheduling mentioned in the amendment meant that the Inspections Division would schedule the actual hours that work would be permitted on those permits which had been obtained prior to Thanksgiving week.

Vice-Mayor Morris moved for the adoption of the amendment as read by Corporation Counsel. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-1, Ordinance No. 1165, as amended, passed on its second reading, with Councilman Cole voting "no."

Councilman Cole felt this was a nuisance ordinance.

RESOLUTION NO. 80-65 - RESOLUTION ENDORSING HIGHWAY, TRANSIT AND AVIATION IMPROVEMENTS FOR THE ASHEVILLE URBAN AREA

4. Consideration was given to a resolution endorsing highway, transit and aviation improvements for the Asheville Urban Area.

Mr. Emrick read the resolution and by use of a map pointed out the proposed highway improvements to be submitted to the North Carolina Department of Transportation. He said that the City of Asheville will participate in the process by submitting projects which will be part of the Thoroughfare Plan for the City of Asheville which will be in three parts - immediate, five year and ten year needs. He said that these projects had been previously reviewed by the Transportation Advisory Committee and the Technical Coordinating Committee and that they recommend that the following list be submitted to the North Carolina Department of Transportation:

PRIORITY HIGHWAY PROJECTS FOR INCLUSION IN THE NORTH CAROLINA 1981-1987 TRANSPORTATION IMPROVEMENT PROGRAM

INTERSTATE PROJECTS

1. Construction of a full access interchange at the intersection of I-40 and U.S. 25A (requested last year).
2. New ramps at I-40 and N.C. 191 near Farmer's Market to provide full access interchange.
3. Construction of a half-diamond ramp system at I-240 and Bear Creek Road and new bridge across I-240.
4. Widening of bridge across I-240 at Brevard Road interchange to four lanes and improvements to I-240 westbound exit ramp at same location.

URBAN SYSTEM PROJECTS

1. Valley Street Connector - Reprogram construction funding in Fiscal Year 1981.

Council table action on the issue until he could contact his client by telephone concerning the written agreement.

At 4:38 p.m., Councilwoman Price moved to continue the public hearing later in the meeting so that Mr. Penland would have an opportunity to consult with his client. This motion was seconded by Councilman Boland and carried unanimously.

At 4:43 p.m., Mayor Trantham said that the public hearing on the issue would continue at this time.

Mr. Penland said that he contacted Mr. Atkinson, President of Universal Investment Corporation, who said that he would be delighted to enter into an agreement to petition for the annexation of the remainder of the property of Regent Park to become effective 9-30-80.

Mayor Trantham closed the public hearing at 4:45 p.m.

Mr. Emrick read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1166. This motion was seconded by Councilman Brownlee.

On a roll call vote of 6-0, Ordinance No. 1166 passed on its first reading.

Vice-Mayor Morris moved to suspend the rules and proceed with the second reading of Ordinance No. 1166. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1166 passed on its second reading.

Vice-Mayor Morris moved to suspend the rules and proceed with the third and final reading of Ordinance No. 1166. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1166 passed on its third and final reading.

Councilwoman Price moved that the staff proceed with the preparation of a petition for the annexation of the remainder of the property of Regent Park to be effective by September 30, 1980. This motion was seconded by Councilman Boland and carried unanimously.

Complete text of Ordinance No. 1166 will be found in Ordinance Book No. 9 at page 117.

ORDINANCE NO. 1165 - AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS"

3. Consideration was given to the second reading of Ordinance No. 1165, an ordinance amending Chapter 25 of the Code of Ordinances entitled "Streets and Sidewalks."

Mayor Trantham said the ordinance was previously read on its first reading and would not be re-read unless there was a specific request to do so.

Corporation Counsel Moore read the following amendment to Ordinance No. 1165, under Section 25-17(b): "Work in progress under a valid permit issued prior

LANDSCAPE PROJECTS

1. Landscape intersection of Weaverville Freeway and Broadway Avenue (requested last year).
2. Landscape I-240 from Charlotte Street interchange to I-40 West (requested last year).

5 YEAR HIGHWAY IMPROVEMENT NEEDS

<u>FACILITY</u>	<u>TYPE IMPROVEMENT</u>	<u>PROJECT COST (\$1000's)</u>
Riverside Drive	Widening (4 lanes)	\$ 4,192
Amboy Road, I-240 to Lyman	Widening (4 lanes)	3,065
Lyman Street, Amboy to Riverside	Widening (4 lanes)	707
Meadow Road, Lyman Street to Biltmore Avenue	Widening (4 lanes)	3,113
Swannanoa River Road	Widening (4 lanes)	2,460
Haywood Road	Widening (5 lanes)	5,398
Clingman Avenue	Widening (5 lanes)	1,988
Brevard Road	Widening (4 lanes)	8,780
Broadway, Riverside Drive to I-240	Widening (4 lanes)	3,049
Montford-Asheland Avenue Connector	New Location (4 lanes)	1,876
State Street-Majestic Avenue	Widening (4 lanes)	518
US 74, US 70 to Asheville Mall	Widening (5 lanes)	400
McDowell Street, Victoria to Sweeten Creek	Widening (5 lanes)	1,200
		<u>\$36,746</u>

BRIDGE PROJECTS

81-84-20, NC 81	Replacement	\$ 50
81-84-30, NC 81	Replacement	50
Bridge over Swannanoa River, Biltmore Avenue	Replacement	300
		<u>\$ 400</u>

10 YEAR HIGHWAY IMPROVEMENT NEEDS

Sweeten Creek Road	Widening (5 lanes)	\$11,702
U.S. 74, I-40 to Planning Area Boundary	Widening (5 lanes)	2,848
Merrimon Avenue, Beaverdam Creek North	Widening (4 lanes, with Median)	4,081
Haywood Street, Hiwassee to Woodfin Street	New Location (2 lanes, with Parking)	2,915
Pearson Bridge Road	Widening (Standard 2- lane)	500
Clingman Avenue, Haywood to Lyman	Widening (2 lanes, with Parking)	148

2. Construct Charlotte Street-Murdock Avenue to Merrimon Avenue Connector. This facility would tie the scheduled Valley Street project to Merrimon Avenue and serve as a bypass to downtown for U.S. 25 (requested last year).
3. Construction of the southern loop facility around the Central Business District to tie into Patton and Clingman Avenue and scheduled Valley Street project. This includes a new street south of Hilliard Avenue going one-way east and converting and improving Hilliard Avenue to one-way west (requested last year).
4. Widening of Sweeten Creek Road north of proposed interchange south to Rock Hill Road (concurrent with new interchange development).
5. Widening of Brevard Road (N.C. 191) between Farmer's Market and Hominy Creek Bridge.
6. Widening of Brevard Road to five-lane section between I-240 ramp terminals and proposed Westland Mall access drive.

RURAL PRIMARY PROGRAM

1. Extend scheduled improvements along N.C. 63 (Leicester Highway) from City Limits to Mt. Carmel Road and if possible to Newfound Road (requested last year).

SECONDARY PROGRAM

1. Improve Acton Circle and Monte Vista Road (requested last year).

BRIDGE PROJECTS, ON-SYSTEM

1. Replace or widen bridge over Hominy Creek at Brevard Road (requested last year).

BRIDGE PROJECTS, OFF-SYSTEM

1. Construct new bridge and improve approaches over Southern Railway at Hazel Mill Road (requested last year).
2. Construct new bridge on Chestnut Street (requested last year).

SAFETY PROJECTS

1. Prepare a study to determine types of improvements best suited for the intersection complex at McDowell, Lodge, Southern Railway, Biltmore Avenue and Meadow Road, and schedule for implementation (requested last year).
2. Signalize intersection of Busbee and Hendersonville Road in conjunction with scheduled left turn lane on Busbee (requested last year).

TWENTY YEAR NEEDS

1) Replacement of 35 Bus Fleet	525,000
2) Expansion of Fleet to 50 Buses	225,000
3) 4 Staff/Passenger Cars	4,000
4) 2 2½ Ton Maintenance Trucks	4,000

PROJECTED PROJECTS REQUIRED FOR THE NEXT 20 YEARS
AT THE ASHEVILLE REGIONAL AIRPORT

<u>Years</u>	<u>Projects</u>
1980-1985	1. Runway Extension 2. Enlarging Passenger Holdroom 3. Enlarging Baggage Claim Room 4. Enlarging Auto Parking Facilities 5. Air Cargo Facility
1985-1990	1. Enlarge Terminal Building 2. Expand General Aviation Area 3. Add Second Parallel Runway 4. Enlarge Terminal Ramp
1990-2000	1. Relocate fixed base operation to west side of runway 2. Make provisions to enlarge all air carrier operations and auto parking facilities

These expansions and developments are forecast based on the past percentage increase of passengers and considering the capability of obtaining fuel, and the continued growth of industry in this area.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, Resolution No. 80-65 was unanimously adopted.

Complete text of Resolution No. 80-65 will be found in Resolution Book No. 12 at page 73.

APPROVAL OF SIGN PERMIT - NAEGELE SIGN COMPANY - 80 CHARLOTTE STREET

5. Mr. Don Dawson of Naegele Sign Company requested approval of a sign permit for a sign at 80 Charlotte Street which is within 600 feet of an expressway requiring the approval of Council. The sign is 300 square feet. He presented photographs showing where the sign would be located and indicated that the sign would not be visible from the expressway.

Councilman Cole moved to approve the sign permit for Naegele Sign Company at 80 Charlotte Street. This motion was seconded by Vice-Mayor Morris and carried on a 5-1 vote, with Councilwoman Price voting "no."

Fairview Road, Sweeten Creek
to U.S. 74
Beaverdam Road, Merrimon Avenue
to Elk Mountain

Widening (4 lanes)

909

Widening (4 lanes)

326

\$23,429

20 YEAR HIGHWAY IMPROVEMENT NEEDS

<u>FACILITY</u>	<u>TYPE IMPROVEMENT</u>	<u>PROJECT COST (\$1000's)</u>
Weaver Boulevard to Montford	New Location (4 lanes)	\$ 1,154
Erwin Hills Road	Widening (Standard 2-lane)	847
Old Leicester Road	Widening (Standard 2-lane)	570
Elk Mountain Scenic Highway	Widening (Standard 2-lane)	507
Town Mountain Road	Widening (Standard 2-lane)	1,527
New Haw Creek Road	Widening (2 lanes, with Parking)	1,567
Riceville Road	Widening (2 lanes, with Parking)	791
Sand Hill Road	Widening (2 lanes, with Parking)	504
Monte Vista Road	Widening (Standard 2-lanes)	1,225
Beaverdam Road, Elk Mountain to Lauderdale	Widening (Standard 2-lanes)	860
U.S. 19-23, I-40 to Planning Area Boundary	Widening (7 lanes)	880
		<u>\$10,432</u>

ASHEVILLE TRANSIT AUTHORITY

IMMEDIATE NEEDS

1) 10 Replacement Buses	\$125,000
2) Subsidy for Operating Assistance	35,000

FIVE YEAR NEEDS

1) 25 Replacement Buses	312,500
2) 2½ Ton Maintenance Truck	1,500
3) 3 to 5 Paratransit Vehicles	3,600 to 6,000

TEN YEAR NEEDS

1) 2 Staff/Passenger Cars	1,600
2) Facility Renovation	10,000
3) Shop Equipment	5,000

8. The Associate City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-68 - Resolution authorizing Director of Finance to sell surplus property.

HIGHLIGHTS: The City Charter provides that no sale or other disposition of surplus personal property of the City of Asheville having a replacement cost in excess of \$100.00 shall be made by the Director of Finance unless direction be made by the Council by resolution. The Department of Public Works has a Model 12-G A.C. Front End Tractor which is obsolete and beyond repair and has been inoperable for some time. This resolution will authorize the Director of Finance to sell the aforementioned A.C. Front End Tractor, including all attachments, to the highest bidder.

Resolution No. 80-68 will be found in Resolution Book No. 12 at page 82.

- B. Resolution No. 80-69 - Resolution authorizing the Mayor to notify the N. C. Department of Transportation of the City's approval of installation of crossing signals and gates at the intersection of Fairview Road and Southern Railway.

HIGHLIGHTS: Resolution 78-80 dated 4-13-78, authorized the Mayor to enter into an agreement with the N. C. Department of Transportation for a railroad crossing signal installation at the Southern Railway crossing on Fairview Road. Since that time, Federal and State policies have changed and the N. C. Department is now required to install gates as well as flashers with vehicular and train volume as high as this location. The N. C. Department of Transportation has asked that Southern Railway include gates in their design. The municipal share of annual maintenance cost for this type of design is \$490. This resolution notifies the N. C. Department of Transportation of the City's approval of these plans.

Resolution No. 80-69 will be found in Resolution Book No. 12 at page 83.

RESOLUTION NO. 80-66 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A LEASE AGREEMENT FOR THE CITY FOR USE OF THE ST. EUGENE SCHOOL ATHLETIC FIELD AND PLAYGROUND

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a lease agreement for the City for use of the St. Eugene School Athletic Field and Playground.

Associate City Manager Wolcott read the resolution.

Mr. Ray Kisiah, Director of Parks and Recreation, explained that the City of Asheville would like to lease the St. Eugene School Athletic Field and Playground for one year to use for the North Asheville Little League Baseball Program.

Councilman Boland said that North Asheville was in need of adequate Babe Ruth and Little League Ball Fields. He suggested that the City look into the availability of alternate sites in North Asheville for ballfields, in particular the old landfill.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 80-66 was unanimously adopted.

Mr. Kisiah invited the Asheville City Council to a reception honoring the Asheville Parks and Recreation Department's volunteers on Thursday, April 24, 1980, at 7:30 p.m. at the Senior Opportunity Center.

Mr. Kisiah also invited the Asheville City Council to the dedication ceremonies of the Shiloh Recreation Center on Sunday, May 4, 1980, at 2:00 p.m. at the Shiloh Center.

Complete text of Resolution No. 80-66 will be found in Resolution Book No. 12 at page 80.

RESOLUTION NO. 80-67 - RESOLUTION OF SUPPORT FOR THE BUNCOMBE COUNTY GOVERNOR'S CONFERENCE ON LEADERSHIP DEVELOPMENT FOR WOMEN

7. At the request of Mayor Trantham, Resolution No. 80-67 was pulled from the consent agenda.

Consideration was given to a resolution of support for the Buncombe County Governor's Conference on Leadership Development for Women.

Ms. Jeanie Hyder, Field Coordinator, invited all Council members to the Buncombe County Governor's Conference on Leadership Development for Women on Wednesday, April 30, 1980, at 9:00 a.m. at the Asheville Civic Center.

Councilwoman Price read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-67 was unanimously adopted.

Complete text of Resolution No. 80-67 will be found in Resolution Book No. 12 at page 81.

APPROVAL OF THE CONSENT AGENDA

PROCLAMATION - PARKS AND RECREATION VOLUNTEER RECOGNITION DAY

Mayor Trantham proclaimed April 24, 1980, as "Parks and Recreation Volunteer Recognition Day."

PROCLAMATION - BETA SIGMA PHI YEAR

Mayor Trantham proclaimed April 30, 1980 - April 30, 1981, as "Beta Sigma Phi Year."

PROCLAMATION - RESPECT FOR LAW WEEK

Mayor Trantham proclaimed the week of May 1-7, 1980 as "Respect for Law Week."

PROCLAMATION - NORTH CAROLINA FEDERATION OF WOMEN'S CLUBS

Mayor Trantham proclaimed the week of April 28, 1980 as "North Carolina Federation of Women's Clubs."

CLAIMS - F.B. & H. COMPANY, BARBARA O. HATCHETT, FRANCIS G. JUSTUS, GEORGE HOLMES, AND JOHN JAMES DAWES

Associate City Manager Wolcott presented claims received from F. B. & H Company, Barbara O. Hatchett, Francis G. Justus, George Holmes and John James Dawes.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

GERALD BROWN - 17 CAROLINA LANE

Mr. Brown inquired why the City was planting trees on Rankin Street when they were in the process of doing a feasibility study which if approved, would result in the trees being removed. It was his opinion that this was not good use of City funds since the City's personnel were being used to plant the trees.

RALPH BISHOP

Mr. Ralph Bishop made comments relative to the invocation being given at the beginning of Council meetings.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, the meeting adjourned at 6:50 p.m.

Raymond Trantham MAYOR *William A. Wolcott* CITY CLERK

- C. Approval of a budget amendment amending the City of Asheville Fiscal 1979-80 Operating Budget.

HIGHLIGHTS: The purpose of this budget amendment is to amend budget to recognize revenue from the Committee of 36 for Downtown Mall Feasibility Study in the amount of \$9,100.

- D. Approval of a budget amendment amending the General Capital Project Fund Budget.

HIGHLIGHTS: The purpose of this budget amendment is to establish a capital project to fund street paving for 1980 in the amount of \$329,125.

- E. Scheduling of a public hearing relative to considering a project for which federal operating assistance is provided under Section 5 of the Urban Mass Transportation Act of 1964, as amended, is being sought, for May 22, 1980.

HIGHLIGHTS: The project will be for the period of July 1, 1979 until June 30, 1980. The grant application will be applied for by the City of Asheville for the purpose of assisting the operational cost of the Asheville Transit Authority. The net project cost is estimated at \$664,059. The Federal share is estimated at \$332,029. The local share is estimated at \$332,030, and is anticipated to be derived from the general operating budget of the City of Asheville.

Councilwoman Price reminded the City staff of the agreement made with Mr. Coleman that there was a time limit on paving Balsam Avenue and asked City staff to be sure that they complied with that time limit.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously adopted.

RESOLUTION NO. 80-70 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH UTILITIES LOCATING COMPANY OF GREENSBORO

Consideration was given to a resolution authorizing the Mayor to sign a contract with Utilities Locating Company of Greensboro.

Associate City Manager Wolcott read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 80-70 was unanimously adopted.

Complete text of Resolution No. 80-70 will be found in Resolution Book No. 12 at page 84.

PROCLAMATION - HEALTH OCCUPATIONS STUDENTS OF AMERICA - HEALTH CAREER WEEK

Mayor Trantham proclaimed the week of April 27 - May 3, 1980, as "Health Occupations Students of America - Health Career Week."

Councilwoman Price moved to adopt the ordinance with the amendment as follows:

"That the following property be rezoned from R-3 Medium Density Residential District to R-4 High Density Residential District:

Ward 7, Sheet 10, Lots 131 and 131½"

This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1167, as amended, was passed on its first reading.

Mayor Trantham excused himself at 4:30 p.m. and turned the chair over to Vice-Mayor Morris.

ORDINANCE NO. 1165, AS AMENDED - AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS"

3. Consideration was given to the third and final reading of Ordinance No. 1165, as amended, an ordinance amending Chapter 25 of the Code of Ordinances entitled "Streets and Sidewalks."

Vice-Mayor Morris said that the ordinance was previously read on its first reading and members of Council have been furnished with copies, so it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1165, as amended, was passed on its third and final reading.

Complete text of Ordinance No. 1165, as amended, will be found in Ordinance Book No. 9 at page 112.

APPROVAL OF THE CONSENT AGENDA

4. The City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution 80-71 - Resolution authorizing the Mayor to sign a contract for the lease of computer equipment and operating software for the Customer Services and Collections Division of the Water and Sewer Services Department.

HIGHLIGHTS: This lease is with the Burroughs Corporation for an OCR machine which will minimize the cost and maximize the benefits in the City's Customer Services and Collections Division of the Water and Sewer Services Department.

Resolution No. 80-71 will be found in Resolution Book No. 12 at page 85.

Thursday, May 1, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr.; Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole, H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 24, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the April 24, 1980 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY AT THE CORNER OF YORKSHIRE AND REED STREETS

ORDINANCE NO. 1167 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to rezoning property at the corner of Yorkshire and Reed Streets from R-3 Medium Density Residential District to CS Commercial Service District.

Mayor Trantham opened the public hearing at 4:07 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission, at their April 2, 1980 meeting, considered the petition of Mr. and Mrs. Rush Jolly that certain lots at the corner of Yorkshire and Reed Streets be rezoned from R-3 Medium Density Residential District to CS Commercial Service District. He said the Planning and Zoning Commission recommended that the property be rezoned as petitioned.

Mr. Emrick said that the only objection to the rezoning voiced at the Planning and Zoning Commission meeting was from the Biltmore Methodist Church. He said that they did not object to offices or the placement of commercial establishments of that nature, but did object to some of the heavier commercial uses allowed in the Commercial Service District.

Mr. John Mathison, adjoining property owner, expressed the same concerns as did the Biltmore Methodist Church.

Mr. Emrick pointed out that most of the uses requested by Mr. and Mrs. Jolly, in their petition, could be accommodated in the R-4 High Density Residential District. He said this would eliminate the worry of heavier commercial uses.

Mayor Trantham closed the public hearing at 4:28 p.m.

Mr. Emrick read the ordinance.

Mr. Wayne Caldwell, Chairman of Save Downtown Asheville, Inc., read the following letter:

"April 29, 1980

"To Mayor and City Council of Asheville:

"Save Downtown Asheville has been asked by Council to assist them in the feasibility study of the Strouse, Greenberg proposal. To that end, we have been compiling facts and figures, drawing plans, and we have our attorneys researching the legal implications involved. All this has cost many man-hours away from our businesses and a great deal of money. We therefore ask that Council consider a request from us on the agenda Thursday for funding our part of the study in the amount of \$5600.00.

Legal fees	\$2,000.00
Financial consultant	1,000.00
Telephone/postage	500.00
Books, etc.	100.00
Architectural consultant	2,000.00
Study costs of street improvements, etc.	
	<u>\$5,600.00</u>

Very truly yours,

s/ Wayne Caldwell
Chairman"

Councilman Wilkes asked Mr. Caldwell when Council had requested Save Downtown Asheville, Inc. to get this information together.

Vice-Mayor Morris said that it was his understanding that Save Downtown Asheville, Inc. had some alternative proposals and plans for the downtown area which had nothing to do with the Strouse-Greenberg proposal.

Councilwoman Price said it would be improper for Council to authorize payment to Save Downtown Asheville, Inc., Strouse-Greenberg, or Lantzius for a feasibility study concerning the proposed downtown mall.

Councilman Boland said that plans had been made and a meeting date set for Council to hear from various groups concerning alternate proposals and plans for the downtown area.

After further discussion, it was the decision of Council to deny Save Downtown Asheville, Inc.'s request for funds.

RALPH BISHOP

Mr. Ralph Bishop commented on lottery sales being allowed to continue in the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 4:55 p.m.


MAYOR


CITY CLERK

- B. Resolution 80-72 - Resolution authorizing the Mayor to execute right-of-way encroachment agreement with Morris, Golding, Blue and Phillips, P.A. regarding a portion of South Pack Square.

HIGHLIGHTS: Morris, Golding, Blue and Phillips, P.A. have requested permission to encroach on the City's right-of-way for South Pack Square for the purpose of installing a Handicapped ramp, steps and rails for the entrance of their office building located at the old Pack Memorial Library. The improvements will not impair the use of the South Pack Square side-walk for pedestrian travel.

Resolution No. 80-72 will be found in Resolution Book No. 12 at page 86.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

RESOLUTION NO. 80-73 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE AN EASEMENT FOR THE CAROLINA POWER AND LIGHT COMPANY TO PROVIDE ELECTRICAL SERVICES TO THE FEDERAL AVIATION ADMINISTRATION FACILITIES AT THE ASHEVILLE REGIONAL AIRPORT

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville an easement for the Carolina Power and Light Company to provide electrical services to the Federal Aviation Administration Facilities at the Asheville Regional Airport.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 80-73 was unanimously adopted.

Complete text of Resolution No. 80-73 will be found in Resolution Book No. 12 at page 87.

RESOLUTION NO. 80-74 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSPORTATION DIVISION, FOR STATE FINANCIAL ASSISTANCE IN THE FORM OF A TRANSIT DEVELOPMENT GRANT

Consideration was given to a resolution authorizing the filing of an application with the North Carolina Department of Transportation, Public Transportation Division, for state financial assistance in the form of a transit development grant.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-74 was unanimously adopted.

Complete text of Resolution No. 80-74 will be found in Resolution Book No. 12 at page 88.

WAYNE CALDWELL - SAVE DOWNTOWN ASHEVILLE

3. Consideration was given to a motion to concur in the submittal of a preliminary request for financial settlement of the East Riverside Urban Renewal Project (NC R-48).

Mr. David Jones, Jr., Executive Director of the Asheville Housing Authority, gave a brief history of the East Riverside Urban Renewal Project stating that it was originally conceived in 1966 and is the largest single project in the Southeast.

Mr. Larry Holt, Deputy Executive Director of the Asheville Housing Authority, explained the procedures the Asheville Housing Authority would need to follow in order to close out the East Riverside Urban Renewal Project. He reviewed a letter asking the City to concur in the submittal of a preliminary request for financial settlement of the East Riverside Urban Renewal Project.

Councilwoman Price moved to authorize the Mayor to sign the letter concurring in the submittal of a preliminary request for financial settlement of the East Riverside Urban Renewal Project (NC R-48) upon staff review. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

4. The City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-75 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Asheville Paving Company for the project known as 1979-80 Paving Contract.

HIGHLIGHTS: On Tuesday, April 29, 1980, bids were opened and three (3) bids were received. Recommend low bid submitted by Asheville Paving Company in the amount of \$273,913.50.

Complete text of Resolution No. 80-75 will be found in Resolution Book No. 12 at page 89.

- B. Resolution No. 80-76 - Resolution of intent to close an un-named city street in West Asheville and calling a public hearing on the question for June 12, 1980.

HIGHLIGHTS: Ronald D. Brondyke, Attorney for the petitioner, Wachovia Bank & Trust Company, N.A., Executor under the Will of G. E. Crouch, deceased, is requesting that an un-named city street in West Asheville be closed. This street has never been opened and the estate of G. E. Crouch owns all the property on both sides of the street dead ending into the I-26 Connector right-of-way.

Complete text of Resolution No. 80-76 will be found in Resolution Book No. 12 at page 90.

Thursday, May 8, 1980 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole, H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 1, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the minutes of the May 1, 1980 meeting were approved as submitted.

ORDINANCE NO. 1167, AS AMENDED - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 1167, as amended, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property at the corner of Yorkshire and Reed Streets.

The City Manager read the following letter:

"May 7, 1980

Asheville City Council
Asheville, North Carolina

Dear Sirs:

We, the members of Biltmore United Methodist Church, respectfully request that you postpone the second reading concerning the re-zoning of the property on Reed Street which is directly behind our church. We were unaware that a second reading was scheduled and that the original proposal had been amended. We need some more time to consider this matter. If you would postpone the second reading for one week, it would give us some opportunity to discuss this more thoroughly.

Respectfully,

s/ Henry C. Thompson
Minister

s/ W. A. Bostic, Jr.
Chairperson of Trustees"

Councilwoman Price moved to postpone the second reading of Ordinance No. 1167, as amended, for one week. This motion was seconded by Councilman Boland and carried unanimously.

CITY COUNCIL'S CONCURRENCE IN THE SUBMITTAL OF A PRELIMINARY REQUEST FOR FINANCIAL SETTLEMENT OF THE EAST RIVERSIDE URBAN RENEWAL PROJECT (NC R-48)

MR. ROBERTS - BEVERLY HILLS REZONING

Mr. Roberts inquired if Council was aware that Judge Thornberg had reconsidered his decision of March 27, 1980, on the case entitled Carmelite Sisters vs. the City of Asheville.

The Council stated that they were aware that Judge Thornberg did reconsider his decision on this date and that he made no change in his original ruling.

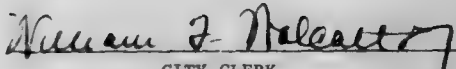
RALPH BISHOP

Mr. Ralph Bishop made comments about the Asheville Police Department and also about lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the meeting was adjourned at 4:35 p.m.


MAYOR


CITY CLERK

- C. Budget amendment amending the City of Asheville Second and Fourth Year Community Development Budgets.

HIGHLIGHTS: This budget amendment would reprogram available funds for the completion of engineering costs of Chestnut Street Fire Line and close-out the Fourth Year Community Development Administration Project (\$10,723).

Mr. Michalove said in the future no budget amendments would be on the consent agenda as requested by Councilman Wilkes.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the items on the consent agenda were unanimously adopted.

PROGRESS REPORT ON DEMOLITION OF 48 BLALOCK AVENUE AND 53 BLALOCK AVENUE

Councilman Wilkes asked for a progress report relative to the demolition of 48 Blalock Avenue and 53 Blalock Avenue.

Mr. J. E. Johnson, Chief Building Inspector, reported that three weeks ago Mr. Ted Freck, owner of 48 and 53 Blalock Avenue, had made considerable repairs on these homes. He said that last week Mr. Freck had an accident and had been unable to make any repairs this week. Mr. Johnson said that he would inspect these houses again next week and report back to Council on the progress being made.

PROGRESS REPORT RELATIVE TO THE CITY'S INVOLVEMENT IN THE SELLING OF PERSONAL PROPERTY

Councilman Boland asked for a progress report relative to the City's involvement in the selling of personal property.

Corporate Counsel William C. Moore said that a letter was written last week to the Attorney General questioning the City's authority and he said as soon as a reply was received, he would report to Council.

CLAIMS - W. F. KRICKHAN, DONALD GREEN, AND JUDY S. HUMMEL

The City Manager presented claims received from W. F. Krickhan, Donald Green and Judy S. Hummel.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - NURSING HOME WEEK

Mayor Trantham proclaimed the week of May 11-18, 1980 as "Nursing Home Week in the City of Asheville."

PROCLAMATION - SMALL BUSINESS WEEK

Mayor Trantham proclaimed the week of May 11-17, 1980 as "Small Business Week."

PROCLAMATION - SENIOR CENTER WEEK

Mayor Trantham proclaimed the week of May 11-17, 1980 as "Senior Center Week."

RESOLUTION ENDORSING THE AREAWIDE ACTION PROGRAM UPDATE FOR FISCAL YEAR 1980-81

3. Vice-Mayor Morris stated that since Council had not had an opportunity to review these plans thoroughly, he asked that this resolution be placed on the agenda for next week.

RESOLUTION NO. 80-77 - RESOLUTION RELATING TO THE ADJUSTMENT IN THE RENTAL RATE STRUCTURE FOR THE ASHEVILLE CIVIC CENTER COMPLEX

4. Consideration was given to a resolution relating to the adjustment in the rental rate structure for the Asheville Civic Center.

The City Manager read the resolution.

Mr. Barry Ogrin, Civic Center Director, explained that this resolution would basically move the rates up on Fridays, Saturdays, Sundays and Holidays to try and encourage more local activities through the week days, thus freeing up dates on weekends for commercial activity. He said that this adjustment is anticipated to generate an additional \$42,000 in revenue for the Civic Center if they continue the same amount of activity as in their previous year. He said that these rates would become effective 7-1-80.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-77 was unanimously adopted.

Complete text of Resolution No. 80-77 will be found in Resolution Book No. 12 at page 91.

RESOLUTION NO. 80-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURMEISTER, WRIGHT AND ASSOCIATES, P.A. TO CONDUCT TWO ENGINEERING STUDIES AT BEE TREE LAKE

5. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Burmeister, Wright and Associates, P.A. to conduct two engineering studies at Bee Tree Lake.

The City Manager read the resolution and explained that this is a contract for an engineering study on ways to widen the spillway at the Bee Tree Lake Dam and to study the feasibility of using the Bee Tree Lake Reservoir as an additional water source for the City of Asheville Water System.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-78 was unanimously adopted.

Complete text of Resolution No. 80-78 will be found in Resolution Book No. 12 at page 93.

BUDGET AMENDMENT AMENDING THE WATER AND SEWER CAPITAL CONSTRUCTION BUDGET

6. Consideration was given to a budget amendment amending the Water and Sewer Capital Construction Budget.

Mr. Dean Yancey, Assistant Director of the Water & Sewer Services Department, explained that this budget amendment would upgrade the Oak Crest Sewer Line and the Ravenna Street Sewer Line. He said that both of these projects were on the list to upgrade, but because surplus funding was available, the Water & Sewer Services Department decided to do the upgrading at this time.

Thursday, May 15, 1980 - 4:00 p.m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Presiding; Councilwoman Norma T. Price; Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole, H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (due to out of town engagement relative to the Land-of-Sky Regional Council)

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 8, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the minutes of the May 8, 1980 meeting were approved as submitted.

ORDINANCE NO. 1167, AS AMENDED - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 1167, as amended, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property at the corner of Yorkshire and Reed Streets.

The City Manager read the following letter:

"May 14, 1980

Asheville City Council
Asheville, North Carolina

Dear Sirs:

We, the members of Biltmore United Methodist Church, wish to thank you for your kind and thoughtful consideration dealing with the re-zoning of the property directly behind our church. After reflecting upon the matter, we have no objection to its being re-zoned to R-4.

Once again we wish to thank you for amending this proposal. We want you to know that if we can be of any help to you as you proceed with your fine work, we are available.

Respectfully,

s/ W. A. Bostic, Jr.
Chairperson of Trustees

s/ Henry C. Thompson
Minister"

Vice-Mayor Morris said that the ordinance was previously read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1167, as amended, was passed on its second reading.

William D. Britt
 William D. Britt, Chairman
 Buncombe County Board of Election

Sworn to and subscribed before
 me this 12 day of May, 1980.

Ruth E. Austin
 Notary *Expire 3-8-1983*

Corporation Counsel Moore advised Council that they had the following two alternatives:

- 1) Repeal Ordinance No. 1084, at the next regular Council meeting on May 22, 1980.
- 2) Call for a special election for the purpose of allowing the electorate to decide whether or not Ordinance No. 1084 should be repealed.

Corporation Counsel Moore advised Council that in either case, they should at this time take the following action:

- 1) By resolution, suspend operation of Ordinance No. 1084 until Council has an opportunity for reconsideration.
- 2) By motion, set a public hearing for May 22, 1980 at 4:00 p.m. for the purpose of Council to either consider the repeal of Ordinance No. 1084 or the calling of a special election for the purpose of allowing the electorate to make this decision.

The City Manager read the resolution.

Mr. Dick Wood, attorney for the developer, requested Council to inquire as to whether the Board of Elections used the registration books as of the last municipal election as opposed to the date of the certification, in order to ascertain whether or not the petition was signed by the registered number of voters.

Vice-Mayor Morris stated that the Council would contact the Board of Elections by May 22, 1980, and inquire about Mr. Wood's request.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-79 was unanimously adopted.

Councilman Wilkes moved to set a public hearing for May 22, 1980, at 4:00 p.m. for the purpose of considering the repeal of Ordinance No. 1084 or for the calling of a special election for the purpose of allowing the electorate to decide whether or not to repeal Ordinance No. 1084. This motion was seconded by Councilman Brownlee and carried unanimously.

Complete text of Resolution No. 80-79 will be found in Resolution Book No. 12 at page 94.

Councilman Wilkes moved to approve the budget amendment as presented by Mr. Yancey. This motion was seconded by Councilman Brownlee and carried unanimously.

REPORT TO CITY COUNCIL ON INFORMATION RECEIVED FROM THE CHAIRMAN OF THE BUNCOMBE COUNTY BOARD OF ELECTIONS RELATIVE TO THE RESULTS OF A PETITION PROTESTING THE PASSAGE OF ORDINANCE NO. 1084, AN ORDINANCE REZONING THE PROPERTY NEAR THE INTERSECTION OF N. C. 191 AND BEAR CREEK ROAD FOR A PROPOSED MALL

7. Vice-Mayor Morris asked the City Clerk to read the following report:

BUNCOMBE COUNTY BOARD OF ELECTIONS

William D. Britt, Chairman
 Rupert L. Dillingham, Secretary
 Jane E. Youngblood, Republican Member
 Sonja E. Friedrich, Supervisor of Elections



P.O. Box 7632
 Asheville, N.C.
 28807
 Courthouse Annex
 Phone 255-5123

I, William D. Britt, Chairman of the Buncombe County Board of Elections, do hereby certify that the amended Petition submitted to this Board by Chandler Gordon on May 1, 1980 which states, "We, the undersigned, being registered voters of the City of Asheville, protest against the passage of the ordinance rezoning the property near the intersection of N.C. 191 and Bear Creek Road for a proposed Westland Mall." was examined and the Board has determined that there were 4,320 signatures of registered voters of the City of Asheville. In as much as Chapter 313 of the Session Laws of 1969 amendment to the Chapter 121, Private Laws of 1931 requires that such a petition must be signed by fifteen percent (15%) of the number of registered voters of the City of Asheville and that on May 1, 1980 there were Twenty-six thousand, seven hundred and sixty-eight (26,768) registered voters in the City of Asheville, I hereby deem the above cited Petition to be sufficient.

- D. Approval of bids received April 25, 1980, for one industrial type rubber tired tractor/loader with "4 in 1" bucket to be used in Sanitation Division.

HIGHLIGHTS: Two (2) bids were received. Director of Public Works and Purchasing Agent recommend the low bid submitted by Arden Equipment Company in the amount of \$19,550. Account Code 50-428.0074.

- E. Approval of bids received March 28, 1980, for lawn and weed mowers for Park Maintenance, Malvern Hills and Walton Street Pools, and Riverside Cemetery.

HIGHLIGHTS: Four (4) bids were received. Superintendent of Parks and Recreation Department and Purchasing Agent recommend bid be awarded to the lowest bidders on a per-item basis: Porter Brothers for 1 Flair Mower in the amount of \$1,219 and E. J. Smith & Sons for 9 Weedeaters and 4 Commercial Mowers in a total amount of \$3,069.64. Sufficient funding is available in the General Revenue Sharing Trust Fund, Parks and Recreation Department, Capital Outlay Equipment.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the items on the consent agenda were unanimously adopted.

PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

Vice-Mayor Morris proclaimed the week of May 18-24, 1980 as "National Public Works Week."

PUBLIC HEARING - GENERAL REVENUE SHARING FUNDS

City Manager Michalove stated the the City Council will hold a public hearing on May 22, 1980, at 3:45 p.m. in the Council Chambers, for the purpose of discussing the proposed uses of General Revenue Sharing Funds for Fiscal Year 1980-81. He said the City of Asheville will receive approximately \$1,329,498 in General Revenue Sharing Funds and has \$240,000 in unappropriated General Revenue Sharing funds.

RESOLUTION NO. 80-80 - RESOLUTION AUTHORIZING THE MAYOR TO ASSURE THE STATE OF NORTH CAROLINA THAT PRESENT SCHEDULES OF RATES AND FEES ARE ADEQUATE AND WILL BE MAINTAINED FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing the Mayor to assure the State of North Carolina that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.

Upon request of Vice-Mayor Morris, the City Manager said the following statement would be included in the resolution:

Councilwoman Price asked Mr. Wood if he would notify Council in the event the developer was no longer interested in this property at a later date, prior to the time Council will make a decision concerning this matter.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said that the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve those items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received May 5, 1980, for ductile iron pipe for the Water Maintenance and Construction Division.

HIGHLIGHTS: Four (4) responsive bids were received. A fifth bid was received, but disqualified due to improper bid deposit. Assistant Superintendent of Water Maintenance and Construction Division and Purchasing Agent recommend the fully responsive second low bid submitted by Municipal & Utility Supply at \$4.10 per ft., totaling \$4,428. Sufficient funding is available from the Water & Sewer Department Operations Warehouse Inventory, Account No. 30-140.

- B. Approval of bids received April 25, 1980, to furnish and install full circulating book detection system, Pack Memorial Library, 67 Haywood Street.

HIGHLIGHTS: Three (3) bids were received; however, only one of the three is fully responsive to bid specifications. Director of Libraries and Purchasing Agent recommend the fully responsive bid submitted by Minnesota Mining and Manufacturing Company in the amount of \$12,799. Source of funding for this purchase is Library generated revenues from sale of fixed assets. Capital Outlay Equipment, Account Code 51-30-450.0074.

- C. Approval of bids received April 25, 1980, for Solid Waste Collection System, Swacar or Equal, for Sanitation Division.

HIGHLIGHTS: This Solid Waste Collection System includes a towing vehicle, lift and dumping mechanism and trailer. Western Carolina Tractor Company, Swacar Dealer in this area, submitted the only bid. The bid was quoted F.O.B. Asheville, \$21,818 or F.O.B. factory, Valdosta, Georgia, \$21,318. Director of Public Works and Purchasing Agent recommend acceptance of the lower factory price at \$21,318, our pick-up at Valdosta, Georgia. Sufficient funds are available for the above expenditure (50-15-428.0074).

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

DON ROBERTS - CHAIRMAN OF THE BEVERLY HILLS HOMEOWNERS ASSOCIATION - BEVERLY HILLS REZONING

Mr. Don Roberts, Chairman of the Beverly Hills Homeowners Association, requested that the Beverly Hills Homeowners Association be permitted to represent the City on an appeal of Judge Thornberg's recent ruling of the case entitled Carmelite Sisters vs. the City of Asheville and that the property owners furnish the lawyer and pay his fee.

Councilman Wilkes said that he would not support an appeal due to legal advice by Corporation Counsel.

Vice-Mayor Morris asked for a motion and not receiving one, declared that the request was denied.

RALPH BISHOP

Mr. Ralph Bishop made comments relative to the Chief of Police.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the meeting adjourned at 5:08 p.m.


MAYOR


CITY CLERK

"That the Board of Commissioners of Buncombe County adopt a resolution to ensure continued maintenance of the lines outside the City as in agreement with the Sullivan Act."

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 80-80 was unanimously adopted.

Complete text of Resolution No. 80-80 will be found in Resolution Book No. 12 at page 95.

RESOLUTION NO. 80-81 - RESOLUTION AUTHORIZING THE MAYOR TO ASSURE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY AND THE AVERY CREEK SANITARY DISTRICT THAT THE CITY OF ASHEVILLE WILL PROVIDE FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF THE WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing the Mayor to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City of Asheville will provide for the operation, maintenance and administration of the water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.

As previously requested by Vice-Mayor Morris, the City Manager said the following statement would be included in the resolution:

"That the Board of Commissioners of Buncombe County adopt a resolution to ensure continued maintenance of the lines outside the City as in agreement with the Sullivan Act."

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-81 was unanimously adopted.

Complete text of Resolution No. 80-81 will be found in Resolution Book No. 12 at page 96.

CORRECTION OF ERROR ON BID RECEIVED FROM ASHEVILLE PAVING COMPANY RELATIVE TO 1979-80 PAVING CONTRACT

Councilwoman Price moved to approve the difference in the low bid (\$273,913.50 to \$274,913.50) submitted by Asheville Paving Company relative to the 1979-80 Paving Contract. This motion was seconded by Councilman Wilkes and carried unanimously.

PROCLAMATION - STAMP COLLECTING WEEK

Vice-Mayor Morris proclaimed the week of May 18-24, 1980 as "Stamp Collecting Week."

CLAIMS - JEAN LANCE, DONNA LYNN MAY, MR. AND MRS. FRED SPRINKLE, SANDRA HYLDBURG, AND RAYMOND HIGHTOWER

The City Manager presented claims received from Jean Lance, Donna Lynn May, Mr. and Mrs. Fred Sprinkle, Sandra Hyldborg and Raymond Hightower.

PUBLIC HEARING - FEDERAL OPERATING ASSISTANCE - SECTION 5 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

RESOLUTION NO. 80-82 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

4. A public hearing was held relative to considering a project for which federal operating assistance is provided under Section 5 of the Urban Mass Transportation Act of 1964, as amended.

Mayor Trantham opened the public hearing at 4:03 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this is an annual grant application applied for by the City of Asheville for the purpose of assisting the operational cost of the Asheville Transit Authority. He said the project will be for the period of July 1, 1979 until June 30, 1980 and the net project cost is estimated at \$664,059. The Federal share is estimated at \$332,029 and the local share is \$332,030 which will be derived from the general operating budget of the City of Asheville.

Mayor Trantham closed the public hearing at 4:07 p. m.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-82 was unanimously adopted.

Complete text of Resolution No. 80-82 will be found in Resolution Book No. 12 at page 97.

PUBLIC HEARING - REPEAL OF ORDINANCE NO. 1084 OR CALLING OF A SPECIAL ELECTION TO ALLOW THE ELECTORATE TO DECIDE WHETHER OR NOT TO REPEAL ORDINANCE NO. 1084

ORDINANCE NO. 1168 - AN ORDINANCE REPEALING ORDINANCE NO. 1084, AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to considering the repeal of Ordinance No. 1084, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property near the intersection of N. C. 191 and Bear Creek Road or the calling of a special election for the purpose of allowing the electorate to decide whether or not to repeal Ordinance No. 1084.

Mayor Trantham opened the public hearing at 4:08 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Thursday - May 22, 1980 - 3:45 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore (out-of-town on vacation)

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 15, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the May 15, 1980 meeting were approved as submitted.

PUBLIC HEARING - GENERAL REVENUE SHARING FUNDS FOR FISCAL YEAR 1980-81

2. A public hearing was held relative to discussing the proposed uses of General Revenue Sharing Funds for Fiscal Year 1980-81.

Mayor Trantham opened the public hearing at 3:54 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Bob Wurst, Budget Director, explained that the General Revenue Sharing guidelines require that a public hearing be held to discuss proposed uses of the funds anticipated for Fiscal Year 1980-81. He said the present Revenue Sharing budget includes only two quarters of Revenue Sharing funds for 1980-81 due to the uncertainty of the continuation of funding. He said the total Revenue Sharing budget is currently anticipated at \$969,498 which includes \$240,000 of prior year's carry over. He said the funds would be used for Police Pensions in the amount of \$722,450; Contingency, \$180,000; and Capital Outlay in the amount of \$249,426. He highlighted the uses for Capital Outlay.

Councilman Cole said he did not like the idea of using Revenue Sharing funds to fund the Police Pensions. He said the pensions should be funded from a more secure source.

Mayor Trantham closed the public hearing at 4:00 p. m.

RECOGNITION OF CHARLOTTE HUTCHISON AND BETH MYERS - GRADUATING FROM MUNICIPAL ADMINISTRATION COURSE AT THE INSTITUTE OF GOVERNMENT

3. The City Manager recognized Charlotte Hutchison and Beth Myers for graduating from the Municipal Administration Course at the Institute of Government. Beth Myers is the Assistant Director of Parks and Recreation and Charlotte Hutchison is a Research Analyst.

Attorney Richard Wood: "Should for any reason circumstances change and should my clients be able to renew their options, they would hope at some future appropriate date, as permitted by our Zoning Ordinance, to ask City Council to again consider this matter, because of their faith in the future of this community and the benefits which Westland Mall would bring to the City of Asheville and all of Western North Carolina."

(Continued)

(END OF VERBATIM TEXT BY RICHARD WOOD)

Chandler Gordon, spokesman for the petitioners protesting the passage of Ordinance No. 1084, suggested that the City Attorney be instructed to investigate the possibility of rewriting the sections of the City Charter dealing with the procedures to be taken for citizen action in obtaining protest petitions. He said the procedures as they are now written are confusing and should be written in "plain English."

Herman Medler said Council should have better news coverage of their actions and Council should encourage more citizen input before making decisions. He said the news media did not cover the "Westland Mall issue" as accurately as they should have.

(VERBATIM TEXT)

Councilman Boland: "Mr. Mayor, I think that Mr. Jones and certainly Mr. Wood should be commended for the position they have taken. I opposed, as you know, the rezoning decision, but I am certainly happy that you made this decision, decided not to oppose the repeal. I think to go ahead with this would cause substantial conflict in the community. I think Dick mentioned also substantial cost with regard to a referendum. I would like to commend you for your thoughtfulness and consideration."

Mayor Trantham: "I concur with that Walt, I have never had the experience of working with two nicer people as I have had with Mr. Jones and Mr. Wood. They have been very fair and very considerate and we appreciate it."

(END OF VERBATIM TEXT)

Mayor Trantham closed the public hearing at 4:16 P.M.

(VERBATIM TEXT)

Vice Mayor Morris: "In light of the fact that the petitioners seem to have no objection, certainly the folks who fought this thing so hard will have no objection, I would like to make a motion to repeal Ordinance No. 1084 which reads as follows:"

Vice Mayor Morris then read Ordinance No. 1168, an Ordinance repealing Ordinance No. 1084, an Ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended.

Vice Mayor Morris: "I move the adoption of this Ordinance."

In reviewing the background of Ordinance No. 1084, the City Manager said on March 27, 1980, Council adopted Ordinance No. 1084, an ordinance rezoning property at the intersection of N. C. 191 and Bear Creek Road from R-3 Residential District to CH Commercial Highway District. The property was requested to be rezoned for the purpose of constructing the Westland Mall. On May 15, 1980, the City Council received, in accordance with Section 84 of Chapter 121 of the Private Laws of 1931, as amended by Chapter 313 of the Session Laws, of 1969, a petition protesting the passage of Ordinance No. 1084 and William D. Britt, Chairman of the Buncombe County Board of Elections, certified, by written communication, that said petition was signed by 4,320 registered voters and satisfies the requirements of the aforesaid laws. He said Council must now decide whether to repeal Ordinance No. 1084 or call for a special election for the purpose of allowing the electorate to decide whether or not to repeal Ordinance No. 1084.

(V REBATE TEXT)

Attorney Richard Wood: "Mr. Mayor and Members of the City Council, one of my clients, Mr. Seby Jones is present today but does not anticipate making a statement. Mr. Jones and Mr. Henry Faison have requested that I make the following statement on their behalf.

"First, Mr. Jones and Mr. Faison have asked that I express to you their appreciation for the courtesy and cooperation which has been given to them by the Council and the City's professional staff over the last almost two years.

"My clients recognize the difficulties which they would face in a referendum election on the rezoning of the Westland Mall property in light of developments in Asheville during recent weeks and what they frankly feel has been a substantial amount of misinformation circulated in our community concerning the Westland Mall. Moreover, they have no desire to impose on the taxpayers of Asheville the cost of such an election, estimated at \$10,000.00 to \$15,000.00. For these reasons, they are prepared to abide by any decision the City Council sees fit to make today concerning the repeal of Ordinance No. 1084.

"I would like to add that Mr. Jones and Mr. Faison are experts in this business of shopping center development and make no apology to anyone for that fact.

"It is their frank opinion that a major regional mall will be built in or near the City of Asheville in the next several years. The desires of major national and regional tenants determine to a large extent the location of such a shopping center. Knowing these major tenants as they do, they sincerely believe that it is most likely that this regional mall will now be built outside the city limits of Asheville, which they and I regret very much because they have looked forward to being substantial tax-paying members of our business community and providing some 1,800 jobs for the Asheville area.

Vice Mayor Morris:
(Continued)

"having a park in a certain neighborhood. What I am saying is that this Council has gone through an extremely discouraging period. We have had this group of people opposed to the Westland Mall. We have, almost on a regular basis, I assume people here today, opposed to a mall downtown. We have a group of people that were here with us within the last two weeks that was opposed to an apartment development in the Beverly Hills area or on the fringe of it. These people work extremely hard. The thing that is so discouraging, as we sit in the Council Chambers and sit on this Board and have to make decisions, is that we do not see any group of people that are working nearly so hard for anything as we do people who are working against things. I think if the same effort was made to work for something that has been put into this effort to work against something that Asheville is going to be a wonderful place to live."

Councilman Cole:

"Mr. Mayor, I would just like to make a comment following Vice Mayor Morris' remarks in a sense that I had thought perhaps if the citizens did come up with a petition to hold a referendum to vote relative to the Westland Mall, it would perhaps have been wise at that same time to put on the same ballot a vote for downtown, that the citizens of Asheville would support pledging the good faith and tax of the City of Asheville to support the Downtown Mall. My great regret is that we probably would lose both of them and that is the problem I think we have at this time. It seems that the "againers" are the majority at this time. In many cases, I just feel that the City of Asheville, the Council particularly, needs some encouragement because we sit up here week after week and listen to opposition to this, opposition to that, and it is rather trying. As a matter of fact, I guess after this Council goes through the procedure of annexing some additional citizens to become part of our City, we can look forward not to be re-elected next time. I would say to the members of Council, let's have courage and do the work that must be done to put this City on the path that it needs to go in the future generations down the road."

Councilman Wilkes:

"Mr. Mayor, can I make just one comment. I am just burning up. I have to make one comment. A young person came before this microphone a few days ago and that person said he loved Asheville and he could think of no other place to live, but he would like to see Asheville stay just as it is. That is utterly impossible. In order to love, one must be willing to give. Now, people come up and tell me they love Asheville, but they are not willing to give anything for Asheville. Some concessions have to be made in order that Asheville might grow. You can give without loving, but it is impossible to love without giving. I think the planners of this City, I think the City Councilpersons have done a lot of giving. We have been called names when it was unnecessary to be called names because we are doing what we feel is for the best interest of the City that it might grow, that it might be this lovely

Councilman Cole:

"Mr. Mayor, I would like to second this motion and in seconding the motion, I would like to make a comment to the effect that I regret, in a sense, that we have come to this point of having to rescind this. Earlier we have looked at the necessity of using Revenue Sharing funds to pay for Police Pension, something that should not be done, which emphasizes clearly the great need that we have for increased tax base for the City of Asheville and reaffirms the strength and the effect that Council is taking here lately to extend the City Limits of the City of Asheville to take in additional area in order to increase our tax base that we can really provide the services to the public which we need. Now we are, by the withdrawal of this Westland Mall, we are losing 1800 jobs and a tax base that the City of Asheville badly needs and there will be a shopping center built somewhere in the vicinity of Asheville, but it may not be within the City. So this emphasizes the problem that we, as a Council, have in trying to come up with money to provide the services to the citizens of Asheville we, as members of Council, know that over the next weeks we will be hearing from quite a number of people who we are going to invite to become citizens of our City and they are going to have some objections to this naturally, but this Council must have courage to carry out the convictions so I will second this motion Mr. Mayor and suggest we proceed."

(END OF VERBATIM TEXT)

On a roll call vote of 7-0, Ordinance No. 1168 passed on first reading.

Vice Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1168. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1168 passed on second reading.

Vice Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1168. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1168 passed on third and final reading.

Complete text of Ordinance No. 1168 will be found in Ordinance Book No. 9 at page 120.

Betty Lawrence spoke relative to a mall being built in the City of Asheville stating that a thorough study needs to be made of any proposed project for the City of Asheville.

(VERBATIM TEXT)

Vice Mayor Morris:

"Let me make a statement, if I may, within this last month, we have had a group of property owners, very irate property owners, complaining because someone has suggested that there be an apartment complex built. We have a group opposed to

RESOLUTION NO. 80-83 - RESOLUTION ENDORSING THE AREA WIDE ACTION PROGRAM UPDATE FOR FISCAL YEAR 1980-81

6. Consideration was given to a resolution endorsing the Areawide Action Program Update for Fiscal Year 1980-81.

The City Manager read the resolution and said this is a plan for long-range capital improvement projects.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-83 was unanimously adopted.

Complete text of Resolution No. 80-83 will be found in Resolution Book No. 12 at page 99.

ORDINANCE NO. 1167 - AS AMENDED - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property at the corner of Yorkshire and Reed Streets)

7. Consideration was given to the third and final reading of Ordinance No. 1167, as amended, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning proeprty on the corner of Yorkshire and Reed Streets.

Councilman Wilkes:
(Continued)

"place that you want to live. We can't ~~sell~~ these leaves, they bring in no revenue. They are beautiful and we want to retain as much of our natural estate as we possibly can, but we also want to build for Asheville a good relationship between its people and its governing body; therefore, it must be a two-way street. Thank you, Mr. Mayor."

Mayor Trantham:

"I would like to close out by making a statement I made this morning to 'Cool Green Asheville.' Last week I went to a National Conference in San Diego, California, and I had the pleasure of visiting the downtown - what there was of it. I visited a leather shop in old San Diego. You talk about deterioration and run down, there is nothing there but crime. The owner of this shop asked me where we were from - he knew we were country boys. I told him and went on to tell him that the population of Asheville was about 60,000. I told him about the beauty we have here and what we have to offer people and he said 'My God, man is there a place up there I can move to?' I said 'Well, certainly' and he said 'I'd give anything in the world to get out of this place.' The hotel we stayed in was quite a few miles outside the City and there is nowhere to go when you attend a conference in one of those cities. You talk about Asheville deteriorating and being run down. Asheville is in good shape ~~in comparison to some of these~~ in comparison to some of these other cities. We have three shopping centers floating around wanting to come to the City of Asheville. We should feel proud of that and the fact they are that much interested in the City of Asheville. I concur with Vice Mayor Morris that we should have something good that people like. It is discouraging to come to Council time and time again and run into opposition on everything that comes up that would increase the tax base, provide service, and accumulate a good tourist town like the City of Asheville is, always has been and always will be. But we have to have things to attract people. We have to have good housing. We have to have good shopping areas. But when everything is turned down that we try to do, it is discouraging as the devil. I just wanted to brief you on the good shape Asheville is in. If you visit some of these other cities, you will appreciate what we do have here. Thank you."

(END OF VERBATIM TEXT)

CERTIFICATE OF APPOINTMENT OF COMMISSIONER - HOUSING AUTHORITY OF THE CITY OF ASHEVILLE (Reappointment of Mrs. Earl Shook, Jr.)

10. Mayor Trantham presented a Certificate of Appointment reappointing Mrs. Earl Shook, Jr. as a Commissioner of the Housing Authority of the City of Asheville to serve for a term of five (5) years, ending June 16, 1985.

Certificate of Appointment will be found in Resolution Book No. 12 at page 103.

REQUEST FROM THE BUNCOMBE COUNTY JAYCEE FAIR ASSOCIATION - PERMISSION TO CONDUCT FAIR AT THE NEW ASHEVILLE SPEEDWAY ON AMBOY ROAD.

11. The City Manager read a letter from Mr. Larry Wright, President of the Buncombe County Jaycee Council, requesting permission to conduct a "County Fair" at the New Asheville Speedway on Amboy Road from July 23 - July 27, 1980. He said the Jaycee's will comply with all requirements of the Revenue Ordinance governing such fairs.

After discussion, Vice-Mayor Morris moved to grant the Buncombe County Jaycee Fair Association permission to conduct a "county fair" at the New Asheville Speedway on Amboy Road from July 23 - July 27, 1980. This motion was seconded by Councilman Cole and carried unanimously.

CLAIM OF MRS. RAMSEY - INQUIRY OF COUNCILWOMAN PRICE

Councilwoman Price said she had received an inquiry from a Mrs. Ramsey relative to the City's procedure in reimbursing someone for damages. She said Mrs. Ramsey received damages to her automobile by hitting an unprotected manhole.

The City Manager said he would investigate the claim and report back to Council within two weeks. He said he would also have the city staff contact Mrs. Ramsey relative to her claim.

PROPOSED ANNEXATIONS- BUS SERVICE TO INDUSTRIES

Councilman Boland requested, in light of several proposed annexations and due to the energy shortage, that the City staff explore the possibility of contractual agreements between the Asheville Transit Authority and the major industries in the areas proposed to be annexed, providing transit services for the employees in these areas. He said the study could be carried out on a tentative basis.

CLAIMS - JACKIE PRAYTOR - JOE ANTHONY WYNN - JOHN D. DAVIS, JR. - CLAUDE HAYDEN

The City Manager presented claims for damages from Jackie Praytor, Joe Anthony Wynn, John D. Davis, Jr. and Claude Hayden.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Mayor Trantham said the ordinance was previously read on first and second readings and will not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1167, as amended, passed on third and final reading.

Complete text of Ordinance No. 1167, as amended, will be found in Ordinance Book No. 9 at page 119.

RESOLUTION NO. 80-84 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE BLUE RIDGE COMMUNITY MENTAL HEALTH CENTER TO PROVIDE A WIDE RANGE OF MENTAL HEALTH AND RELATED SERVICES TO EMPLOYEES WHO ARE MEMBERS OF THE CLASSIFIED AND ADMINISTRATIVE SERVICES OF THE CITY OF ASHEVILLE

8. Consideration was given to a resolution authorizing the City Manager of the City of Asheville to enter into a contractual agreement with the Blue Ridge Community Mental Health Center to provide a wide range of mental health and related services to employees who are members of the classified and administrative services of the City of Asheville.

The City Manager read the resolution.

Sam Graves, Director of Employee Services, highlighted the agreement stating that the agreement would provide professional psychological and psychiatric mental health services to be administered in conjunction with the Asheville Police Department employment selection and screening procedures and on-going personnel support services.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 80-84 was unanimously adopted.

Complete text of Resolution No. 80-84 will be found in Resolution Book No. 12 at page 100.

RESOLUTION NO. 80-85 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE THE PAVILION AT THE ASHEVILLE RECREATION PARK TO JACK AND MITZI TESSIER

9. Consideration was given to a resolution authorizing notice of intent to lease the Pavilion at the Asheville Recreation Park to Jack and Mitzi Tessier.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said this lease agreement would allow the Tessiers' to operate "Mama T's in the Park" from May 31, 1980 through October 25, 1980. He said the Tessiers' used the pavilion at the park last year on a trial basis and this lease agreement would satisfy the legal requirements of the City Charter and State Statutes in leasing city property.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-85 was unanimously adopted.

Complete text of Resolution No. 80-85 will be found in Resolution Book No. 12 at page 102.

PROCLAMATION - NATIONAL INSURANCE WOMEN'S WEEK - MAY 18-24, 1980

Mayor Trantham proclaimed the week of May 18-24, 1980 as National Insurance Women's Week.

PROCLAMATION - RESCUE MISSION WEEK - MAY 25 - 31, 1980

Mayor Trantham proclaimed the week of May 25-31, 1980 as "Rescue Mission Week."

Councilman Cole said perhaps the Rescue Mission could help to solve the problem of those people who continuously loiter around Pritchard Park.

After discussion, the City Manager said he would explore several alternatives to deal with the people loitering around Pritchard Park and report his alternatives to Council. He said from his past investigations the Asheville Police Department is doing everything they legally can to correct the situation.

DISCUSSION RELATIVE TO PROPOSED ANNEXATIONS - MR. MILES BOSWORTH

Mr. Miles Bosworth, Chief of the Haw Creek Fire Department, spoke briefly relative to the proposed annexation of property in the Haw Creek area. He said he would attend the public hearings relative to the annexations and let his thoughts be known.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again spoke to Council relative to the lottery peddlers running wide-open in the City of Asheville.

ADJOURNMENT

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the meeting adjourned at 5:30 p. m.

Ray M. Trantham
MAYOR

CITY CLERK

RESOLUTION NO. 80-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURMEISTER, WRIGHT AND ASSOCIATES, P. A., TO CONDUCT AN ENGINEERING STUDY AT BEE TREE LAKE

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Burmeister, Wright and Associates, P. A., to conduct an engineering study at Bee Tree Lake.

The City Manager read the resolution explaining that there is a need to conduct a study to make recommendations to correct the current deficiencies on the Bee Tree Lake spillway.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-86 was unanimously adopted.

Complete text of Resolution No. 80-86 will be found in Resolution Book No. 12 at page 104.

LETTER TO MR. AND MRS. WILLIAM JONES - THANKING THEM FOR DONATING PIANO TO THE SHILOH RECREATION CENTER

The City Manager read the following letter to Mr. and Mrs. William Jones from Ray L. Kisiah, Director of Parks and Recreation:

May 20, 1980

Mr. and Mrs. William Jones
72 Jeffries Avenue
Asheville, North Carolina 28803

Dear Mr. and Mrs. Jones:

It has come to my attention that you have donated a piano for use at the Shiloh Recreation Center. On behalf of the people who use the Shiloh Recreation Center, the City of Asheville and myself personally, I would like very much to express our appreciation to you for your generosity. Many people do not realize we do not have sufficient funds to purchase all the materials necessary for our Recreation Centers and it is only through donations such as yours that many recreation experiences can be realized by the people of this community.

Again, I would like very much to thank you for the donation of this piano and assure you that it will be used a great deal by the residents of the Shiloh area.

Sincerely yours,

Ray L. Kisiah, Director
Parks and Recreation

RLK:js

The City Manager said he wanted to share the letter with members of Council and publicly thank Mr. and Mrs. Jones for their donation.

Councilman Wilkes requested that the Mayor send a similar letter to Mr. and Mrs. Jones on behalf of the City Council.

RESOLUTION NO. 80-89 - RESOLUTION OF APPRECIATION AND COMMENDATION TO RALPH H. BISHOP

4. Consideration was given to a resolution of appreciation and commendation to Ralph H. Bishop, who retired from the City of Asheville after 32 years of service to the City.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, Resolution No. 80-89 was unanimously adopted.

Complete text of Resolution No. 80-89 will be found in Resolution Book No. 12 at page 107.

PRESENTATION OF CITY OF ASHEVILLE BUDGET FOR 1980-81- SCHEDULING A PUBLIC HEARING ON THE BUDGET

5. The City Manager presented the City of Asheville Budget for Fiscal Year 1980-81 and requested that a public hearing be scheduled on the budget for June 12, 1980.

The City Manager highlighted the following budget message accompanying the budget for the City of Asheville for Fiscal Year 1980-81:

OFFICE OF
CITY MANAGER

May 29, 1980

The Honorable Mayor and
Members of City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor and Members of Council:

Submitted herewith are the budget estimates for Fiscal Year 1980-81, which begins July 1, 1980. The budget was prepared according to the provisions of the Local Government Budget and Fiscal Control Act, as amended.

In accordance with this act, a copy of the budget will be filed in the office of the City Clerk, "where it shall remain available for public inspection until the budget ordinance is adopted." The act also requires that the City Clerk publish a statement that the budget has been submitted to the governing board and is available for public inspection in his office. The statement shall also give notice of the time and place of a required public hearing. As a matter of local practice, the budget ordinance requires three readings before adoption. The law requires that it be adopted "not earlier than ten days after the budget is presented to the board and not later than July 1, 1980." Changes may be made in the budget at any of the three readings.

In order to give you and the public a mental image of the size and complexity of our operations, the following is a brief summary:

The Asheville city government is a large diversified enterprise that provides services not only to residents of the City of Asheville, but to all of Western North Carolina. Major services which extend beyond the city limits include: the Water Department, serving 33,000 customers and several municipalities with an average of over 20 million gallons of water a day; the Civic Center, serving over 500,000 patrons annually; the Parks and Recreation Department, with facilities such as Bee Tree Lake, Municipal Golf Course, Aston Park Tennis Courts, and Recreation Park; Asheville Transit Authority bus service, which served 1,764,331 passengers and traveled 746,055 miles in 1979; and Planning, which includes zoning in the one mile perimeter.

In addition to the fact that City services spill over into areas outside the city limits, there are some other significant

Thursday - May 29, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes (out-of-town)

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 22, 1980 meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the May 22, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-87 - RESOLUTION OF APPRECIATION AND COMMENDATION TO S. L. "BUD" McHONE, JR.

2. Consideration was given to a resolution of appreciation and commendation to S. L. "Bud" McHone, Jr., who is retiring from the City of Asheville after 34 years of service to the City.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Vice-Mayor Morris, Resolution No. 80-87 was unanimously adopted.

Complete text of Resolution No. 80-87 will be found in Resolution Book No. 12 at page 105.

RESOLUTION NO. 80-88 - RESOLUTION OF APPRECIATION AND COMMENDATION TO CHARLES G. BUCKNER

3. Consideration was given to a resolution of appreciation and commendation to Charles G. Buckner, who retired from the City of Asheville after 28 years of service to the City.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 80-88 was unanimously adopted.

Complete text of Resolution No. 80-88 will be found in Resolution Book No. 12 at page 106.

However, I have been able to balance the budget without a tax increase, since both the City Council and I firmly believe that ad valorem taxes should be raised only as a last resort. The following guidelines were followed in balancing this year's budget:

- 1) That the City has a right to a fair return on investment for the ownership and operation responsibilities associated with its countywide water system;
- 2) That the City Council work program be considered in the budget preparation. The complete program is contained on page 16, exhibit A;
- 3) That the City Council decisions in response to a list of questions displayed on page 19, exhibit B, be followed in balancing the budget;
- 4) That the City Manager's service delivery philosophy statement listed on page 21, exhibit C, be followed in balancing the budget. Some of the more important elements of this philosophy are:
 - a) The City should first provide direct public services to City residents, in the most efficient and effective manner possible.
 - b) Since we are a labor-intensive service organization, we should expect high employee performance standards and our pay and benefits should be competitive with those of local private industry and comparably-sized cities in North Carolina so that we can attract and retain the best qualified employees.
 - c) In making decisions regarding the provision and consolidation of governmental services, we should strive to protect property values and the investments of Asheville's residents and businesses.
 - d) Asheville is the county seat of Buncombe County, the seventh largest city in North Carolina, known worldwide as a tourist/convention center, the largest North Carolina city west of Charlotte, a leader in the growth of Western North Carolina and a progressive city. We should maintain that image and role.
 - e) We should either pay the cost of countywide services with revenues other than property taxes or else we should seek to transfer this burden

- 2 -

facts about the internal makeup and organization of the City of Asheville that are important to budgetary considerations. These are:

- 1) Our municipal services area is approximately 25 square miles;
- 2) We have over 400 miles of streets;
- 3) We serve over 60,000 people in over 20,000 dwellings and businesses, 24 hours a day, 7 days a week;
- 4) We have in excess of 1,000 full- and part-time employees in 13 major departments.
- 5) We support approximately 20 different boards and commissions;
- 6) We have a total annual budget of almost \$26 million, of which only \$6.8 million comes from ad valorem tax, based on a tax base of approximately \$774 million;
- 7) We have over 750 miles of water transmission lines — probably the largest such system in the state; and
- 8) The ad valorem property tax barely pays for police protection, fire protection and garbage collection.

In late January of each year we begin the formal process of preparing the City budget for the twelve-month period beginning July 1 and ending June 30. Thus we are forecasting the amount of money we will receive and spend some twelve to eighteen months into the future. In prior years the first estimate of the budget, completed around the end of April, contained all of the operating and capital costs that would be incurred if we were to provide all of the goods and services proposed by the department heads. However, I have implemented a major reorganization program this year and have placed direct financial and program responsibility on the department heads, setting target figures for each department to meet. While this restricted their freedom to ask for everything that they might consider desirable, it made their budget requests more realistic relative to available projected revenues. This is an important factor since, unlike the federal government, we must have a balanced budget each year.

Typically, what we would like to have in the way of services, equipment and employee benefits far exceeds the amount of money we can expect to receive. Even with the management changes mentioned above, this year was no exception. As of May 6, when we first discussed the budget, we were approximately \$1.4 million out of balance. An ad valorem property tax increase of 19.9¢ would have been required to raise this amount.

- 5 -

- b) The definitions of "disability" and "retirement age" in the 1939 Police Plan were changed by the 1979 General Assembly.
- c) The active and retired members of the 1939 Police Pension Plan voted in 1978 not to transfer their membership to LGERS or the Law Enforcement Officers Benefit and Retirement Fund (LEOBRF). However, the City Council will again sponsor seminars on the benefits of these plans during the month of June, 1980, in order for the active and retired members to vote on such a proposed transfer and in order for the City Council to consider how to fund the retired employees' request for a way of dealing with hardship cases and the effects of inflation on their set retirement incomes.
- d) The Fiscal 1980-81 actuarial funding requirement of the 1939 Plan is \$700,000 for about 107 active employees, which works out to a cost per employee of \$6,542, while the pension cost for all other city employees is \$890,860, which works out to approximately \$1,115 per employee.

In addition, the 1939 Police Pension Plan is funded under the federal General Revenue Sharing program, a source of funds which in itself is not guaranteed. By continuing this funding under the federal General Revenue Sharing program rather than funding the entire plan with local General Fund revenues, we have affected the fiscal policy of this and future City Councils.

- 2) Federal Program Capital Funds - (Model Cities, Community Development, Bureau of Outdoor Recreation, Urban Renewal, etc.) These funds have improved materially the quality of life in our City and slowed considerably the physical decay in numerous blighted areas that we would probably never have been able to improve otherwise. However, in the area of recreation projects alone, we will add \$300,000 to \$500,000 in continuing annual operational expense to support the facilities constructed with these funds. Examples are the Senior Opportunity Center, Shiloh Recreation Center, Montford Recreation Center, Burton Street Recreation Center and Livingston Street Recreation Center. These improvements brought about an important change in our recreational services philosophy. Now, in addition to our seasonal outdoor recreation programs, we have a new emphasis on large and expensive indoor recreation centers.

- 4 -

to appropriate governing bodies so that City property owners will no longer have to pay more than their fair share.

However, as worthy as these goals may be, there are certain realities over which we have no control. The budget process for Fiscal Year 1980-81 really began years ago with the decisions made then. Our status at this point in time reflects the policy and administrative decisions of this and previous City Councils and City Managers, and the attitudes and desires of the general public. This simply means that there are numerous activities in which we are now involved which we had no say in establishing but which we now have an obligation to continue. To dwell on whether those past decisions were good or bad would not be fruitful, but we should be aware of these decisions and their impact when making future fiscal and management plans. Remember, this budget generally reflects a time span of twelve months, but the final decisions we make this year will again perpetuate policy and administrative direction far into the future.

SOME MAJOR EXAMPLES OF BUDGETARY MATTERS AFFECTED BY PREVIOUS
MANAGEMENT/COUNCIL DECISIONS

- 1) 1939 Police/Fire Pension Plans - In Fiscal Year 1976-77, the City Council took a giant step forward by freezing these plans to current membership and beginning actuarial funding of the Police/Fire Pension Plans started in 1939. Up to this time, the funding has been on a "pay-as-you-go" basis, which did not materially affect the budget while employees were young and able. However, we were arriving at a point when the employees were reaching retirement age and disabilities were increasing, and the "pay-as-you-go" system would soon have put the City into a position of using very large amounts of operating money to fund the retirement benefits. It was a courageous and fiscally responsible action that City Council took in recognizing the need to provide actuarial funding for these retirement programs, to assure the employees of their benefits, and to save future administrations the disproportionate costs inherent in "pay-as-you-go" funding.

The status of these plans at this time is:

- a) Effective January 1, 1979, the employees and beneficiaries of the Fire Plan voted to change their retirement program to the North Carolina Local Governmental Employees Retirement System (LGERS).

- 6) Civic Center - The Civic Center has been and continues to be an excellent entertainment, cultural, and convention resource for all of Western North Carolina. However, the net operational and debt service cost borne directly by the City of Asheville for Fiscal Year 1979-80 amounted to over \$813,000, or 12¢ on the tax rate. Furthermore, the Civic Center supports about \$166,000 in costs directly associated with the Asheville Art Museum, the Colburn Mineral Museum, and the Asheville Symphony.
- 7) Property Tax, Water Rates, and Tax Base
- a) Our property tax rate is 97¢ per \$100 valuation. The Buncombe County tax rate is 83¢ per \$100 valuation. We have one of the highest city tax rates in the State of North Carolina. The difference in the two rates is equivalent to the cost of the countywide services and programs for which the City resident pays. A 1¢ increase in County taxes yields approximately \$200,000. A 1¢ increase in City taxes yields only \$70,473. The City tax base has not grown significantly in comparison with that of the County. (See exhibits D & E for a comparison of City and County tax rates and bases.)
- b) Our City water rate is one of the highest in the State of North Carolina. The rate outside the City is one of the lowest. This situation is not by City choice, but is mandated by a local act of the General Assembly, the Sullivan Act, which is the only such legislation in the State. This legislation requires the City to sell water outside the city limits at the same rate as inside the city limits. The practice in other city-owned water systems is to charge non-city customers two to three times the rate charged to city customers.

These are just a few of the inherited obligations that this City Council has assumed and with which it must contend.

SIGNIFICANT MATTERS PERTAINING TO REVENUES

The General Fund operates on revenues from fees and charges, ad valorem (property) taxes, local, state and federal grants, and state shared taxes.

The General Fund has been balanced showing no increase in the ad valorem (property) tax rate. The following information is a summary of significant matters pertaining to revenues that I feel the City Council should take into consideration:

- 1) The budget includes a payment of \$733,150 from the Water Fund to the General Fund. This represents approximately 10% of estimated Water Fund revenues.

- 6 -

- 3) Asheville Transit Authority (ATA) - The City of Asheville assumed the operation of the city bus system in 1967. Through federal grants and a bond issue, we gained a new building and new buses. From 1967 to 1970 our losses were zero. In 1979-80 our gross loss is estimated to be \$651,427, and our only salvation is the fact that in 1975 the federal government authorized a program to subsidize one-half of our operating loss.

For Fiscal Year 1980-81, the total operating loss is projected to be \$811,519 with the City's cost being \$486,519. This operating loss is growing every year with no realistic way to cut costs except to reduce service and/or increase fares.

We submitted an application to the federal government for a grant almost seven years ago to begin replacing our old buses. However, our request has not yet been granted. In the meantime, the price of a bus has increased from \$41,233 in 1974 to over \$120,000 today and there is an 18-month to 2-year delivery time. We have budgeted \$65,000 this year for matching the grant.

- 4) Governmental and Nonprofit Organizations - Many governmental and nonprofit organizations have chosen to locate inside Asheville city limits because of the services that the City provides. Unfortunately, these agencies do not pay any taxes which pay for these City services. On the other hand, tax-paying residential and business development is primarily taking place outside the city limits. This shows up in the rapid growth in the County's tax base as displayed in exhibit D.
- 5) Annexation Moratorium and Proposed Annexation - For more than four years, the City was under a local annexation moratorium imposed by the General Assembly. This moratorium denied the City the opportunity to annex urbanized unincorporated areas of the County which were developed and have prospered due in large part to their proximity to the City of Asheville and their access to needed City services.

This artificial restriction of Asheville's natural growth affects not only ad valorem tax receipts but also many state and federal shared revenues, since the allocation of such revenues is based on population growth, local tax effort, and the relative size and growth of our City compared to other cities and to the County. The annexation moratorium ended July 1, 1979. A plan to consider annexation of certain areas was presented at the staff/council budget work session on May 20, although the budget for 1980-81 is not dependent on annexation as a source of revenue.

- 1) An 8% pay schedule adjustment, effective July 1, 1980;
- 2) Individual position reallocations, where needed;
- 3) Individual pay grade adjustments, where needed;
- 4) An increase in the City's contribution to Social Security from 6.13% of salary to 6.65%, effective January 1, 1980;
- 5) Continuation of the following pay and fringe benefit programs: pay/performance evaluation plan, longevity pay, group life insurance, group hospitalization insurance (free to employee, special group rate for family), state pension plans, holidays (New Year's Day, Easter Monday, July 4, Labor Day, Thanksgiving Day and 3 days at Christmas), sick leave (12 working days for the first 5 years; 15 days thereafter), and annual leave (same number of days as for sick leave); and
- 6) Reimbursement at a standard rate of 21¢ per mile, effective July 1, 1980, for use of personal car for City business.

Other Recommendations

I have made the following recommendations, listed according to major function:

<u>Department</u>	<u>Description</u>
Council/Manager	Increase council members' and vice mayor's compensation to conform more closely with those of other cities.
Nondepartmental	Set contingency at \$200,000.
Public Works	Add a service for sidewalk paving, with administrative details to be decided by City Council. Budget for attrition occurring in the Sanitation Division.
Police	Consider some reorganization of patrol function, Interagency Narcotics Squad and administration.

- 8 -

- 2) A fund balance of \$2,089,823 will be used to balance the budget.
- 3) The Library and the Airport will be funded entirely by the County.
- 4) While negotiations are still going on with the County regarding water, sewer and other service agreements, the possible effect of these agreements has not been considered in this year's budget. When negotiations are complete the budget can be amended.
- 5) We have assumed that the County will pay the entire cost of County water maintenance.
- 6) We are entering the 1980-81 Fiscal Year with the concept of retaining approximately \$1,000,000 of fund balance for City functions during slow revenue periods. This amounts to less than one month's operating costs. The philosophy of not appropriating these funds to operations is a sound fiscal policy for several reasons: interest earned adds to the revenues and further reduces the need for a tax increase; the policy is favorably considered on the bond market; and we are less likely to have to borrow money during slow periods of cash flow.
- 7) We are assuming an increase in tax base greater than in previous years.

SIGNIFICANT MATTERS PERTAINING TO EXPENDITURES

As previously mentioned, the original budget estimates presented May 6 indicated that we needed an additional \$1.4 million in revenues to offset the projected expenditures. This \$1.4 million did not include additional needs in such areas as personnel, capital improvements and operating equipment. Based on the decisions that have been made to date by the City Council, City Manager and the department heads, the following are major recommendations and are included in the current budget estimates:

Personnel - Salaries and Fringe Benefits

As I said before, since we are a labor-intensive service organization, we should expect high employee performance standards and our pay and benefits should be competitive with those of local private industry and comparably-sized cities in North Carolina so that we can attract and retain the best qualified employees. We should adhere to the President's Voluntary Wage Control Program and we should not become dependent upon federally funded positions to support basic City services. The following recommendations adhere to the goals just stated:

- 11 -

- 8) No funds are provided for improving seating facilities for the handicapped at the Civic Center.

CAPITAL RESERVES

Over the past several years, the City Council has set aside appropriations for capital improvement projects. These monies include revenues received from the Sinking Fund Commission and Revenue Sharing. We estimate that the following amounts will be available for programming as of July 1, 1980:

Capital Reserves Available

Sinking Fund Refund	\$2,000,000
Pension Reserve	209,000
Operations Complex	<u>154,981</u>
Total	<u>\$2,363,981</u>

Recommended Expenditures

Loan to General Revenue Sharing Trust Fund	\$ 182,378
Street Paving	250,000
Pension Reserve	209,000
Economic Development	40,000
Pack Square Project	70,503
Baker Drive	35,000
Sidewalk Program	200,000
Motor Transport Facility	500,000
Operations Complex	154,981
Valley Street	100,000
Motor Pool	<u>54,575</u>
Total	<u>\$1,796,437</u>
Balance Uncommitted	<u>\$ 567,444</u>

Note: A complete list of Revenue Sharing needs is contained on page 25, exhibit F.

- 10 -

<u>Department</u>	<u>Description</u>
Parks and Recreation	Fund Bee Tree Lake through the water budget. Budget attrition of employees.
Civic Center	Add funds for promotion or co-promotion of activities Reflect increased revenues from expected change in rate structure.
Library	Expense deleted entirely.
Airport	Expense deleted entirely.

Recommended New Programs

Motor pool/parking area will be set up on the area bordered by Valley, Marjorie, Spruce and Eagle streets.

An economic development activity designed to "sell the City of Asheville" will be funded. The details of the program will be developed by the City Council, the City Manager and other appropriate individuals.

Items Not Budgeted or Under-Budgeted

- 1) No funds are included for the Asheville-Buncombe Preservation Society.
- 2) No funds are included for major repairs to bridges or viaducts.
- 3) Insufficient funds are budgeted for renovation of the City Building and Municipal Building.
- 4) Insufficient funds are budgeted for street paving and resurfacing. Current resurfacing needs are in the \$2 million range. We have budgeted only \$450,000.
- 5) No funds are budgeted for a possible change in the City's responsibility for drainage problems. However, we will initiate a study of the problem.
- 6) No changes are budgeted for the on- and off-street parking programs.
- 7) No funds are budgeted for major improvements to Trinity Chapel Road.

- 13 -

to purchase these items. In the event the Revenue Sharing program is extended as expected, we can then replace these loaned funds and we can purchase the many needed items that had to be delayed.

For any other unallocated capital funds, I recommend that the following guidelines be continued by the City Council:

- a) If at all possible, funds will not be used for general operating costs;
- b) Funds will be used for items and programs that result in reductions of general operating costs;
- c) Funds will not be used to purchase routine capital equipment;
- d) Funds will be used to match federal grants whenever possible; and
- e) Future funds from the sale of real property will be placed into the Asheville-Buncombe Revitalization Fund.

WATER FUND

The Water Fund operates on revenues from fees and charges related to the sale of water, contributions from the County for some maintenance and capital improvements, federal and state grants and water bond funds approved by the residents of the City of Asheville.

The Water Fund is the largest city departmental budget and its services extend to more customers than any other direct service.

For Fiscal Year 1979-80 we are projecting a surplus of operating funds in the amount of approximately \$300,000 after \$670,197 has been paid to the City as a return on investment. This is based on the assumption that the County will pay at least \$400,000 toward maintenance of water lines (although our realistic estimate of County maintenance is at least \$800,000). My recommendation is that all excess operating funds for 1979-80 be held for capital improvements for water and sewer projects needed in newly annexed areas. Furthermore, any additional funds paid to the City by the County for water maintenance over and above \$400,000 for Fiscal Year 1979-80 should be allocated to the same type projects. It is recommended that after all operational expenses are met for 1980-81 any such surplus funds shall be allocated to capital improvements for water and sewer project needs in newly annexed areas.

Major budget highlights are:

- 1) That the City will be paid \$733,150 or approximately 10% of estimated revenues of the water system.

- 12 -

Since the establishment of the federal Revenue Sharing program, we have used those funds primarily for capital equipment and capital expense. However, each year we have used too much of the General Revenue Sharing funds for general operating expenses instead of using the funds for one-time capital equipment and expense. The federal Revenue Sharing law is scheduled to expire September 30, 1980; however, if the program is continued, we can expect a total of \$1,569,498.

I am recommending that we take the conservative route and budget to spend only the actual amount we expect to have available through September 30. The following is a schedule of the proposed uses of General Revenue Sharing funds for Fiscal Year 1980-81:

CITY OF ASHEVILLE
GENERAL CAPITAL OUTLAY ITEMS FOR FISCAL YEAR 1980-81

PRIORITY 1 ITEMS
(cost by division & item)

FINANCE DEPARTMENT

Facility Services	Replace City Hall windows	\$ 3,000
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EMPLOYEE SERVICES

Administration	Memory typewriter	2,400
Civil Service Admin.	Programmable calculator	650

PLANNING

ATA buses	65,000
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POLICE

Patrol vehicles (10)	65,000
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FIRE

1000 gpm pumper	95,000
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CIVIC CENTER

Wheels for arena staging	1,450
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PARKS AND RECREATION

Park Maintenance	72" flail mower	3,000
	72" rotary mower	1,300
	Chain saw	292
Golf Course	Thatching machine	7,034
Stadium & McCormick Field	Line marker	1,200
	Back-pack blowers	700
Cemetery	Lawn mower (40" cut)	3,400

Total	<u>\$249,426</u>
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I have determined with the department heads the capital equipment needed between July 1 and September 30. Our estimate is \$249,426. Since this is \$182,378 more than the amount of Revenue Sharing funds that will be available for capital expenditures between now and September 30, I recommend that we use \$182,378 from capital reserves

- 15 -

neighborhood disputes and the Police Department to settle family arguments. I sincerely hope that we can reverse this trend in the coming years.

No budget is easy, and no budget should be final. It should be viewed as the general plan of activity for the year indicated, capable of being adjusted to the unexpected. The management goal for the year should be to keep expenses within the budgeted limits and to insure that revenues are at least as high as the budget anticipates.

Our department and division heads deserve particular recognition for their efforts and cooperation in preparing their respective elements of this budget. I firmly believe that this, and greater overall efficiency and effectiveness in delivering municipal services, are positive results from my emphasis on decentralized management accountability and responsibility. Special recognition for direct assistance in preparation and production of the budget is given to the Employee Services Department, Data Processing Division, Accounting Division, the Finance Department, Print Shop personnel, the Department of Administration, and to the City Council for their long hours of deliberation over this budget.

Respectfully submitted,



K. M. Michalove
City Manager

KMM:msb

- 14 -

- 2) That the County will pay \$800,000 for maintenance of water lines.
- 3) That Bee Tree Lake will be financed out of the Water Department budget due to the potential use of the facility as a water source.

SUMMARY

The job of proposing a budget is the most difficult one the City Manager has. This is because the actions he must recommend to the City Council cannot possibly please everyone. The decisions he must make are not choices between "good" and "bad" activities, but rather they are determinations of what we can afford and what we should finance as governmental services.

The budget is balanced, but all of our problems have not been solved:

- 1) We are still too dependent upon federal funds to support basic functions:

- a) Revenue Sharing

Police Pension	\$722,450
Basic equipment replacement	\$249,426

- b) Community Development

Senior Opportunity Center	\$ 72,000
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(We have already been notified that this will be the last year we can expect full funding of this activity from Community Development.)

- 2) We are retaining a low cash flow amount.
- 3) We are using \$2,089,823 of fund balance from Fiscal Year 1979-80 to balance the General Fund budget. This surplus has been built up over several years, and its use for general operating expense is deficit spending.
- 4) We are not dealing adequately with our capital needs such as building additions, maintenance and repair and major equipment purchases and replacements.

I frankly feel that we have too much government-paid service and not enough individual neighborhood and community volunteer spirit. People do not know their neighbors. Neighborhood and citywide pride are dwindling. People call the Inspections Division to settle

Asheville City Council
Program of Work 1980-81
Page Two

5. The City Council will continuously examine ways to increase efficiency and productivity in service operations.
6. The City Council will adopt a legislative package to pursue for local, state, and federal legislation to include, but not be limited to:
 - A. The Civil Service Law;
 - B. General Revenue Sharing;
 - C. Requiring tax exempt organizations pay their fair share for City services;
 - D. A hotel/motel room tax; and
 - E. Increasing revenues from other than ad valorem taxes.
7. The City Council will be very cautious in creating additional committees, boards, and commissions, but will likely take the approach, as the need arises, of adding additional responsibilities to committees, boards, and commissions that already exist. The Council will also work toward a better means of coordinating existing committee, board, and commission work.
8. Review and analyze City services and the City Budget for Fiscal Years 1980-81 and 1981-82. The Council will be taking a particular look at the following:
 - A. Evaluate the need for walking police officers in the downtown area;

ASHEVILLE CITY COUNCIL - PROGRAM OF WORK 1980-81

The following is a statement of the major work that the Asheville City Council expects to be active in during their term of office. This plan will also serve as a means of measuring the success or failure of this City Council.

1. Continuation of discussion with the Buncombe County Commissioners regarding a new water source, administration of the water system, and funding and consolidating mutually beneficial services.
2. The City Council will adopt a policy of doing what is in the best interest of all of the citizens of Asheville in matters on zoning, capital improvements, expanding and/or reducing City services and/or expanding the City Limits; and the City Council will ask the Planning and Zoning Board and City staff to begin placing more emphasis on planning for the future by updating and developing recommendations for City Council's consideration.
3. The City Council will place special emphasis on improving its tax base through encouraging economic development; revitalization of downtown and other areas which need upgrading both commercial and residential by working closely with various local and regional institutions.
4. The City Council will take appropriate steps to implement energy conservation, specifically as it relates to gasoline, natural gas, electricity, and water, and generally as it relates to mass transit and general planning.

DECISIONS NEEDED FROM CITY COUNCIL IN ORDER TO BALANCE THE BUDGET FOR FISCAL YEAR 1980-81

1. Water agreement and other service considerations for FY 79-80, FY 80-81 such as:

Funding of Recreation Park, McCormick Field, and Memorial Stadium.
2. School Board assuming the responsibility for:
 - a) Paying school crossing guards;
 - b) Paying for space in City Building when lease runs out;
 - c) City continue paying for school crossing guards and the Asheville City Schools administer; and
 - d) School give up space in Municipal Building.
3. Sheriff provide school crossing guards.
4. Should we consider an ad valorem tax increase?
 - Each penny on the tax rate would increase revenues by \$69,789.
 - Current City tax rate 97¢/\$100 valuation for \$50,000 \$ 485
 - 5¢ increase in rate \$1.02/\$100 valuation for \$50,000 \$ 510
5. Should we consider these fringe benefits?
 - a) Annual evaluation/performance pay system and position reallocation;
 - b) 5 % salary scale adjustment July 1;
 - c) Longevity Pay;
 - d) Hospitalization;
 - e) Social Security;
 - f) State Pension;
 - g) Holidays, Sick Leave, and Annual Leave as in 79-80;
6. Should we continue funding Police Pension out of the General Revenue Sharing Fund? Should we proceed with the proposal made by the Mayor and City Manager?
7. Should we continue to maintain at least \$1 million in the cash flow fund?
8. Should we establish a standard Street Lighting Program and eliminate all excessive lighting?

Asheville City Council
Program of Work 1980-81
Page Three

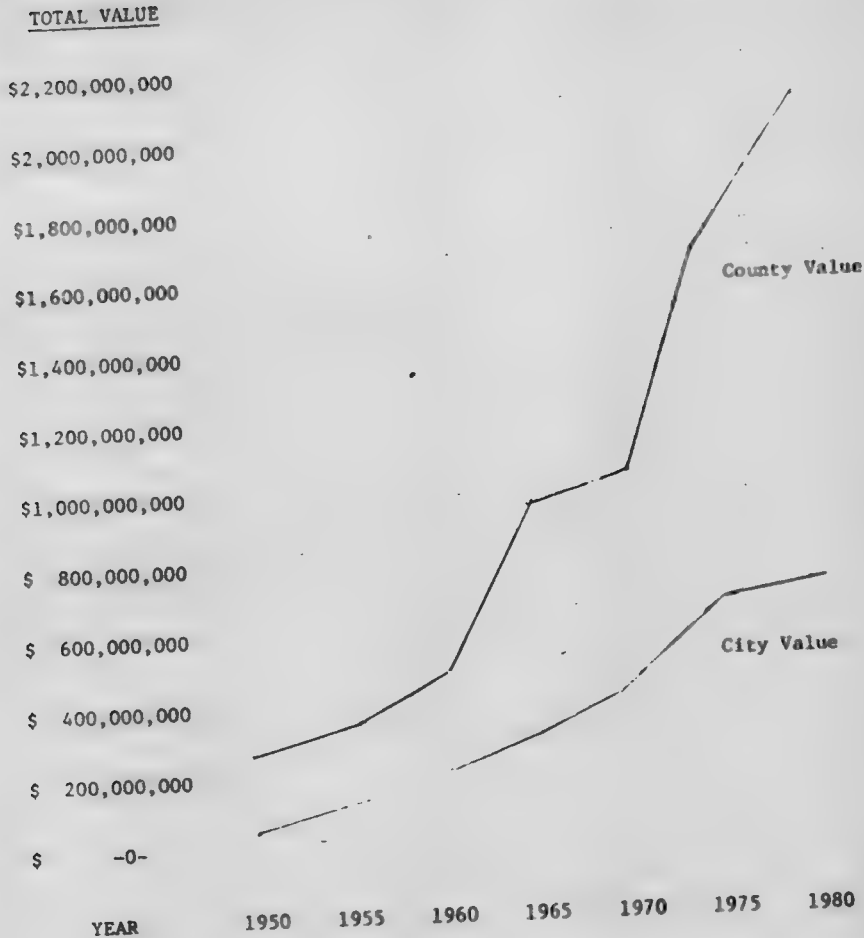
- C. Evaluate the location of existing and future street lighting;
- D. Evaluate the various recreation activities in which we are now involved;
- E. Evaluate brush and leaf collection, sidewalk construction and maintenance, road construction and maintenance, drainage problems;
- F. Evaluate tree planing and maintenance, weed control, roadside cleanup and other environmental concerns;
- G. Evaluate and implement a downtown parking program.

CITY MANAGER'S PHILOSOPHY IN APPROACHING THE BUDGET
FOR 1980-81

1. Direct services to the City of Asheville residents, in the order of priority they feel most important and provided in an efficient manner, are the first and most important consideration.
2. Since we are a labor intensive service organization, we should expect high employee performance standards and we should be competitive with local private industry and comparable cities in North Carolina in pay and benefits so that we attract and retain the best qualified employees.
3. We should protect the property values and the investment of Asheville's residents and businesses in the services we provide and in the decisions we make toward the consolidation of governmental services and in providing governmental services.
4. Asheville is the county seat, the seventh largest city in North Carolina, known worldwide as a tourist/convention center, the largest North Carolina city west of Charlotte, a leader in the growth of Western North Carolina and a progressive city, and we should maintain that image and role.
5. We should seek the transfer of the expense burden of county-wide activities to appropriate governing bodies on an equitable basis to the City of Asheville property owner or we should pay for those services from sources other than property tax.
6. If at all possible, we should not cut basic services.
7. Emphasize providing management tools and improving general administration.
8. Use federal funding for one-time capital expense items to the extent allowable.
9. Move to rid ourselves of the dependency on Revenue Sharing Funds for supporting General Fund operations.
10. Not fund any new outside programs or increase the funding for any existing outside programs.
11. Re-analysis of personnel needs:
 - A. Eliminate unnecessary positions
 - B. Shift labor to meet peak demands
 - C. Change some permanent positions to part-time
 - D. Consolidate some functions
12. Maintain a Capital Reserve Fund.
13. Emphasize service to the public and to the employees.
14. Reduce the cost of on and off-street equipment operations.

9. Should we hold the funding of non-profit organizations to the previous fiscal year level and not fund any new organizations?
10. Should we adhere to the President's voluntary wage control program?
11. What programs shall we pursue for downtown parking?
12. Should we reconsider pay for any board or commission members?
13. Review decisions to be made with reference to County funding of various activities - not a part of the water and other service agreements.
 - a) One million dollar development fund.
 - b) Infirmary.
14. Should we consider special funding for drainage problems?
15. Fees and charges (part of MICA study).
 - a) Zoning
 - b) Service charges - for water - need to consider increasing.
 - c) Small fees - tennis court rates; council granting some fee authority to boards and commissions.
16. Maintenance policy on trees.
17. City staff recommend that we go back into the sidewalk business; City provide labor and equipment - property owner provide payment for materials.
18. What programs of economic development shall we pursue? Shall we provide incentives such as lease of land, purchase of land, or contract with the Chamber of Commerce?
19. Analysis of corporate boundary as per Council Work Program.
20. Consideration of a policy on assessing for water and sewer improvements, sidewalk, street improvements, etc.
21. Review requirement on maintenance and continued operating expense for any new activities to be considered.
22. Encouragement of contributions to the City.

CITY/COUNTY
COMPARATIVE APPRAISED VALUE OF TAXABLE PROPERTY
(Adjusted to 100%)



City Manager's Philosophy in Approaching the Budget for 1980-81
May 6, 1980
Page Two

15. Use Revenue Sharing Funds only for capital expenses one-time items - same with any other windfall funds.
16. Include for future City Council decisions that resolutions be accompanied by a statement of future estimated operational cost.
17. Emphasize training at all levels.
18. Emphasize inspections, audit and evaluation of City work.
19. Work toward increased County funding of programs and services which are funded wholly or in part by the City, but are County-wide in scope.
20. Eliminate or charge for unequal services being provided.
21. Comply with the President's Wage Control Program.

KMM/msm

5/19/80

CITY OF ASHEVILLE
CAPITAL OUTLAY BUDGET FISCAL YEAR 1980-81PRIORITY 1 ITEMS
(cost by division & item)FINANCE DEPARTMENT

Facility Services	Replace City Hall windows	\$ 3,000
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EMPLOYEE SERVICES

Administration	Memory typewriter	2,400
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Civil Service Adm.	Programmable calculator	650
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PLANNING

ATA buses	65,000
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POLICE

Patrol vehicles (10)	65,000
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FIRE

1000 gpm pumper	95,000
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CIVIC CENTER

Wheels for arena staging	1,450
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PARKS AND RECREATION

Park Maintenance	72" flail mower	3,000
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72" rotary mower	1,300
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Chain Saw	292
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Golf Course	Thatching machine	7,034
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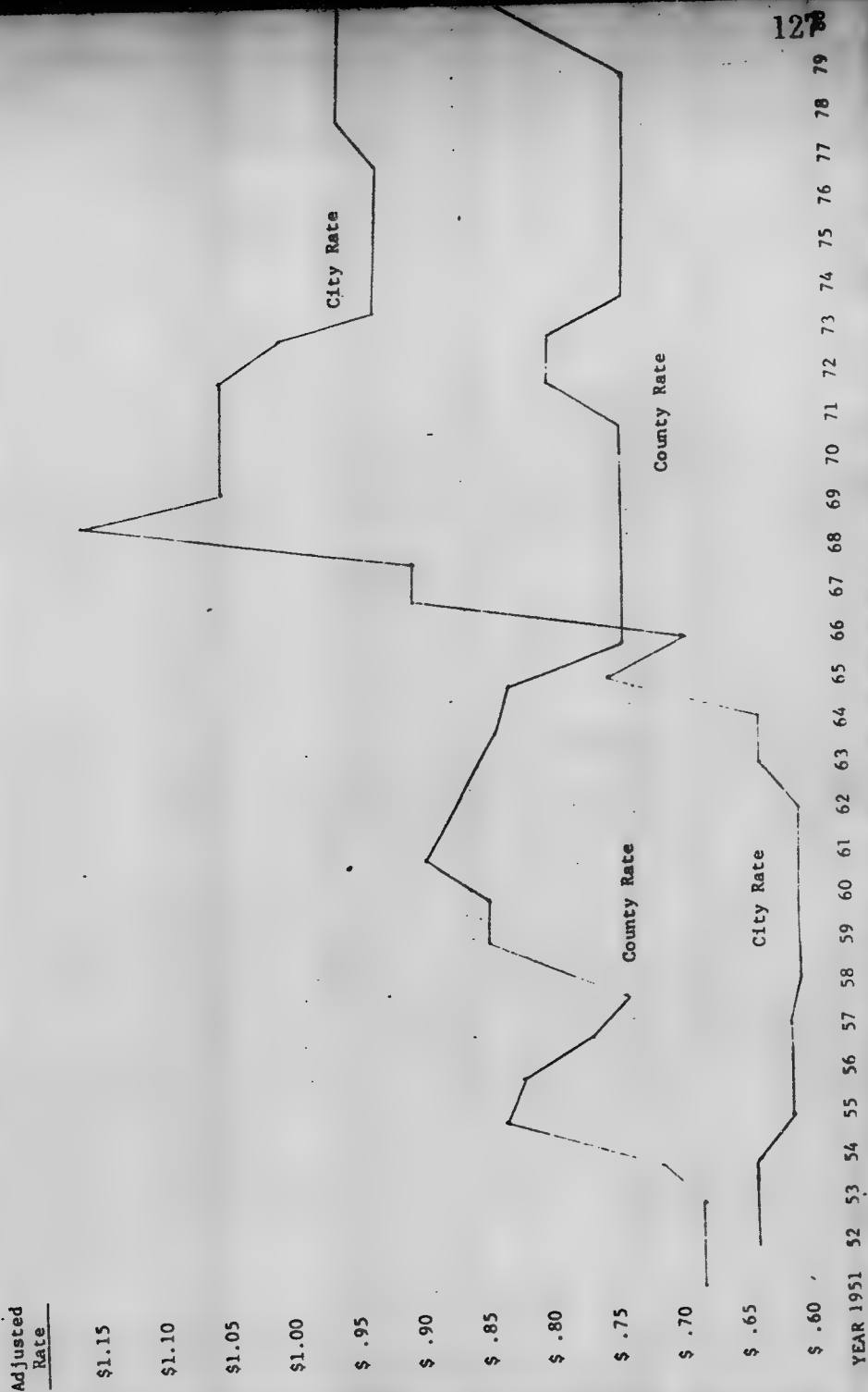
Stadium & McCormick Field	Line marker	1,200
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Back-pack blowers	700
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Cemetery	Lawn mower (40" cut)	3,400
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Total	<u>\$249,426</u>
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COMPARATIVE TAX RATES
(All Rates Adjusted to 100% Assessment Ratio)



- 27 -

EXHIBIT G

4/30/80

CITY OF ASHEVILLE
PRELIMINARY BUDGET POSITION
FISCAL 1980/1981

	1978/1979 ACTUAL	1979/1980		1980/1981	
		BUDGET	ESTIMATED	EST. COST PAY PACKAGE	TOTAL REQUESTED
GENERAL FUNDS:					
Expenditures	(\$14,864,201)	(\$16,862,132)	(\$16,259,279)	(\$17,555,999)	(\$18,657,433)
Revenues	14,552,495	16,192,311	16,640,777	15,703,776	15,703,776
Surplus Used/ (Surplus Gained)	311,706	669,821	(381,498)	1,567,159	1,567,159
TOTAL OUT OF BALANCE	\$ -0-	\$ -0-	\$ -0-	(\$1,101,434)	(\$1,386,498)

1¢ Tax Rate Increase = \$69,789; Tax Increase Required to Balance Budget:

4.1¢
15.8¢
19.9¢

WATER FUND:

Expenditures	(\$4,967,222)	(\$7,021,325)	(\$5,954,575)	(\$5,912,191)	(\$6,205,600)
Revenues	5,389,526	6,602,115	6,701,972	6,531,500	6,531,500
Surplus Used/ (Surplus Gained)	(422,304)	419,210	(747,397)	(619,309)	(325,900)
TOTAL OUT OF BALANCE	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

PRIORITY 2 ITEMS
(Cost by department)

Finance	\$ 17,000
Public Works	133,000
Fire	13,950
Civic Center	19,900
Parks and Recreation	<u>1,834</u>
Total	<u>\$185,684</u>

PRIORITY 3 ITEMS
(Cost by department)

Administration	\$ 500
Finance	7,405
Public Works	293,600
Planning	10,000
Police	10,154
Civic Center	19,050
Parks and Recreation	<u>56,553</u>
Total	<u>\$397,262</u>

PRIORITY 4 ITEMS
(Cost by department)

General Administration	\$ 590
Finance	850,051
Public Works	90,900
Employee Services	7,800
Police	11,834
Fire	38,000
Civic Center	10,650
Parks and Recreation	<u>87,615</u>
Total	<u>\$1,097,440</u>

EXHIBIT H

- 29 -

DEPARTMENT	1978/1979 ACTUAL	NET TAX BURDEN	1979/1980 BUDGET	NET TAX BURDEN	1979/1980 ESTIMATE	NET TAX BURDEN	1980/1981 REQUEST	NET TAX BURDEN
Emergency Services								
Expenditures	209,605		237,429		227,369		287,823	
Less Associated Revenues	47	209,558	10,000	227,429	13,313	214,056	2,500	285,323
NET COST								
Planning								
Expenditures	125,354		172,495		158,837		172,409	
Less Associated Revenues	135,991	(10,637)	96,922	75,573	97,466	61,371	65,040	107,369
NET COST								
Police								
Expenditures	2,397,909		2,756,167		2,638,737		2,853,484	
Less Associated Revenues	73,851	2,324,058	132,050	2,624,117	132,142	2,506,595	122,530	2,730,954
NET COST								
Fire								
Expenditures	2,078,340		2,605,374		2,561,095		2,622,482	
Less Associated Revenues	86,157	1,992,183	80,518	2,524,856	98,808	2,462,287	134,002	2,498,480
NET COST								
Civic Center								
Expenditures	723,134		928,486		660,924		789,139	
Less Associated Revenues	450,447	272,687	819,656	108,830	617,441	43,483	724,821	64,318
NET COST								
Parks & Recreation								
Expenditures	1,664,426		1,937,522		1,916,875		2,118,923	
Less Associated Revenues	232,509	1,431,917	318,894	1,618,628	372,693	1,544,182	380,725	1,738,198
NET COST								
TOTAL EXPENDITURES	14,864,201		16,262,132		16,259,279		17,555,999	
TOTAL ASSOCIATED REVENUES	3,429,218		3,851,911		3,780,022		3,454,816	
TOTAL NET COST		11,434,983		13,010,221		12,479,257		14,101,183
OTHER REVENUES	11,123,277		13,010,221	-0-	12,860,755	(381,498)	12,248,960	1,852,223
TOTAL DEFICIT (SURPLUS)		311,706						

4/30/80

EXHIBIT H

- 28 -

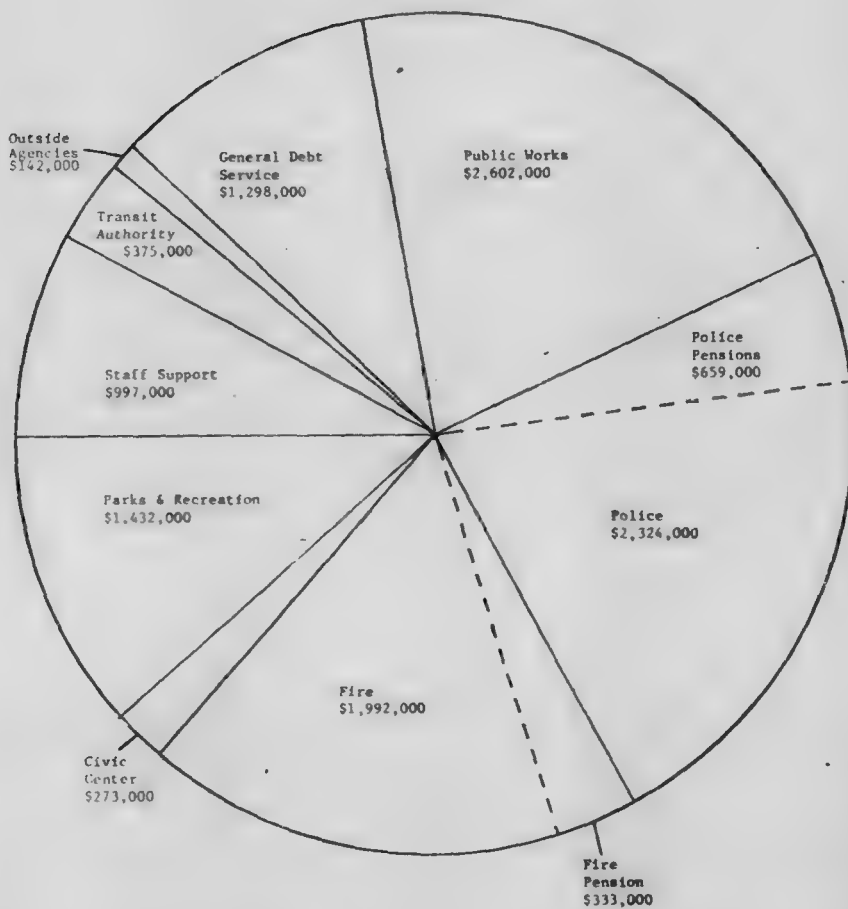
CITY OF ASHEVILLE
NET COST OF OPERATION BY DEPARTMENT

DEPARTMENT	1978/1979 ACTUAL	NET TAX BURDEN	1979/1980 BUDGET	NET TAX BURDEN	1979/1980 ESTIMATE	NET TAX BURDEN	1980/1981 REQUEST	NET TAX BURDEN
General Administration								
Expenditures	186,399		199,126		181,634		181,479	
Less Associated Revenues	2,820		3,000		3,068		13,000	
NET COST		183,579		198,126		178,566		168,479
Administrative Services								
Expenditures	104,943		154,795		155,653		154,748	
Less Associated Revenues			6,300		3,346		6,100	
NET COST		104,943		148,495		150,107		148,648
Inter/Extra Gov. Services								
Expenditures	2,047,832		1,077,597		1,073,850		1,256,016	
Less Associated Revenues	297,964		300,000		342,394		325,000	
NET COST		749,868		777,597		731,456		931,016
Non-Departmental								
Expenditures	113,328		461,875		351,084		258,940	
Less Associated Revenues	360							
NET COST		112,968		461,875		351,084		258,940
General Debt Service								
Expenditures	1,298,000		415,270		423,540		1,061,702	
Less Associated Revenues								
NET COST		1,298,000		415,270		423,540		1,061,702
Finance								
Expenditures	817,602		1,004,582		973,820		950,944	
Less Associated Revenues	653,884		555,900		604,532		561,150	
NET COST		163,718		448,682		369,288		389,794
Public Works								
Expenditures	4,097,329		4,911,414		4,935,861		4,847,910	
Less Associated Revenues	1,495,188		3,530,671		3,492,619		3,129,948	
NET COST		2,602,141		3,380,743		3,443,242		3,717,962

- 31 -

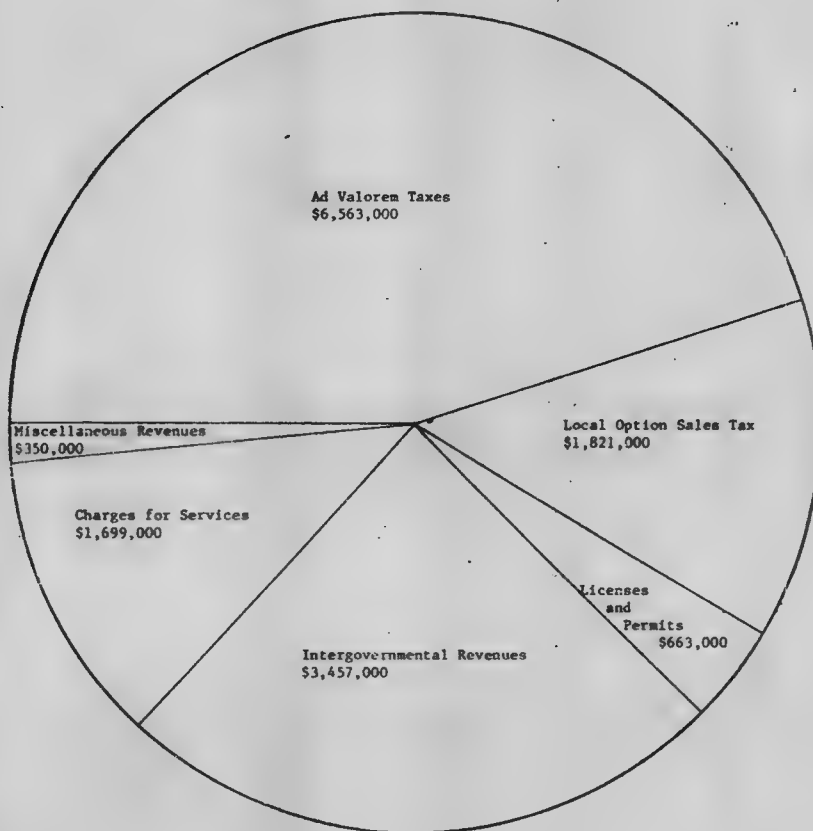
EXHIBIT J

CITY OF ASHEVILLE
NET COST BY MAJOR SERVICE AREA
FISCAL 1978/1979 ACTUAL EXPENDITURES



- 30 -

EXHIBIT I

CITY OF ASHEVILLE
FISCAL 1978/1979 ACTUAL REVENUES

Vice-Mayor Morris moved to schedule a public hearing on the City of Asheville Budget for Fiscal Year 1980-81 for June 12, 1980. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 80-90 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH WARREN BROTHERS COMPANY FOR THE PROJECT KNOWN AS NORTH LEXINGTON STREET IMPROVEMENTS

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Warren Brothers Company for the project known as North Lexington Street Improvements.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 80-90 was unanimously adopted.

Complete text of Resolution No. 80-90 will be found in Resolution Book No. 12 at page 108.

RESOLUTION NO. 80-91 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH WARREN BROTHERS COMPANY FOR THE PROJECT KNOWN AS CHARLOTTE STREET - POPLAR STREET SIDEWALKS

7. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Warren Brothers Company for the project known as Charlotte Street - Poplar Street Sidewalks.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 80-91 was unanimously adopted.

Complete text of Resolution No. 80-91 will be found in Resolution Book No. 12 at page 109.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-92 - Resolution fixing a date of public hearing for review and endorsement of a transition plan for the elderly and handicapped.

HIGHLIGHTS: The Department of Transportation and the Urban Mass Transportation Administration has evaluated the accessibility of mass transit and has requested that all urban and non-urban areas receiving financial assistance develop a plan for accessibility. A public hearing will be held on June 12, 1980 relative to the accessibility plan to mass transit by the elderly and handicapped.

Resolution Book No. 12 page 110

PROCLAMATION - NATIONAL RECREATION AND PARK MONTH - JUNE, 1980

Mayor Trantham proclaimed the month of June, 1980 as National Recreation and Park Month.

RESOLUTION NO. 80-95 - RESOLUTION AUTHORIZING THE MAYOR TO ASSURE THE STATE OF NORTH CAROLINA THAT PRESENT SCHEDULES OF RATES AND FEES ARE ADEQUATE AND WILL BE MAINTAINED FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing the Mayor to assure the State of North Carolina that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 80-95 was unanimously adopted.

Complete text of Resolution No. 80-95 will be found in Resolution Book No. 12 at page 113.

RESOLUTION NO. 80-96 - RESOLUTION AUTHORIZING THE MAYOR TO ASSURE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY AND THE AVERY CREEK SANITARY DISTRICT THAT THE CITY OF ASHEVILLE WILL PROVIDE FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF THE WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

Consideration was given to a resolution authorizing the Mayor to assure the Board of Commissioners of Buncombe County and the Avery Creek Sanitary District that the City of Asheville will provide for the operation, maintenance and administration of the Water Supply System improvements to be made in the Avery Creek Sanitary District under the subject project.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 80-96 was unanimously adopted.

Complete text of Resolution No. 80-96 will be found in Resolution Book No. 12 at page 114.

BUDGET AMENDMENT - GENERAL FUND OPERATING BUDGET - "COOL GREEN ASHEVILLE PROJECT"

Consideration was given to a budget amendment amending the City of Asheville General Fund Operating Budget for Fiscal Year 1979-80 in the amount of \$5,000 to provide funding for the Cool Green Asheville Project.

The City Manager presented the budget amendment.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

- B. Approval of bids received May 5, 1980 for folding chairs and folding tables for the Asheville Civic Center.

HIGHLIGHTS: Three (3) bids were received, one of which did not meet specifications. Recommendation: 360 folding chairs be awarded to Castt Office Furniture Company in the total amount of \$4,762.80; 90 Folding tables be awarded to Monroe Company in the total amount of \$5,490. Funding: Revenue Sharing Trust Fund - Capital Outlay Equipment - Civic Center 50-13-423.0074 - Sufficient funds are available.

- C. Resolution No. 80-93 - Resolution authorizing the Mayor on behalf of the City of Asheville to execute Change Order No. 8 with Champion Contracting Company for the project known as Site Preparation for 1,500' Runway and Taxiway Extension.

HIGHLIGHTS: The City of Asheville wishes to add recommended increased quantities to Item 37, relocation of localizer facility RW 34, by \$350, from \$36,600 to \$36,950 to install an additional 80 L. F. of 2" steel conduit to carry new localizer power and control cables under a haul road.

Resolution Book No. 12 page 111

- D. Resolution No. 80-94 - Resolution appointing a member to the Asheville Revitalization Commission.

HIGHLIGHTS: Mr. Ron Brondyke appointed to the Asheville Revitalization Commission to serve the unexpired term of Mr. George Tisdale who has resigned as a member of the Commission.

Resolution Book No. 12 page 112

Upon motion of Councilman Boland, seconded by Councilwoman Price, the consent agenda was unanimously approved.

CITY MANAGER'S REPORT ON PROPOSED ANNEXATIONS

The City Manager said on Tuesday, May 27, 1980, the City Council met and decided to request full service studies on various areas proposed to be annexed. He said the City staff would have the studies completed by August 1, 1980. At that time Council will evaluate the information and distribute the reports and meet in the communities in which annexation will be considered. After that Council will set public hearings to deal with the annexations.

Mayor Trantham said a definite decision will be made on annexation after the studies are prepared.

Thursday - June 5, 1980 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, H. C. Wilkes, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr.

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 29, 1980 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the May 29, 1980 meeting were approved as submitted.

RESOLUTION NO. 80-97 - RESOLUTION OF APPRECIATION TO FIRE DEPARTMENT EMPLOYEES FOR OBTAINING EMERGENCY MEDICAL TECHNICIAN TRAINING

2. Consideration was given to a resolution of appreciation to Fire Department employees for obtaining EMT training.

The City Manager read the resolution.

Chief Ball of the Fire Department said approximately fifty-five (55) employees of the Asheville Fire Department have been certified as Emergency Medical Technicians through an in-service training course.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 80-97 was unanimously adopted.

Complete text of Resolution No. 80-97 will be found in Resolution Book No. 12 at page 115.

RESOLUTION NO. 80-98 - RESOLUTION OF COMMENDATION OF HERBERT C. ALLEN, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

3. Consideration was given to a resolution of commendation of Herbert C. Allen, retiring employee of the City of Asheville.

The City Manager read the resolution stating that Mr. Allen has been employed by the City of Asheville for over 18 years at McCormick Field and will soon be retiring from service.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 80-98 was unanimously adopted.

Complete text of Resolution No. 80-98 will be found in Resolution Book No. 12 at page 116.

DISCUSSION - PROPOSED ANNEXATIONS

Mr. Miles Bosworth, Chief of the Haw Creek Volunteer Fire Department, spoke in opposition to the proposed annexation of Haw Creek into the City Limits. He said, if annexed, 90 to 95 percent of the fire district tax base would be eliminated and there would be no need for the volunteer fire department.

Edwin Burke, Jr. of Crowfields, spoke relative to Council's intentions for annexing property into the City. He asked what procedure would be followed in taking this action.

Mr. Bruce Miller, Keasler Road; Mr. Harry Burdette, and Mrs. Barbara Capps of Haw Creek, all spoke in opposition to the proposed annexation of Haw Creek.

Mr. Frank Ward, of Haw Creek, spoke relative to the proposed annexations.

Mr. Herman Medler said communication is a problem in the world, particularly in the City of Asheville, with the news media inaccurately reporting issues taken by the Council. He said apparently the news media inaccurately reported Council's intentions relative to proposed annexations by stating that Council intended to annex five new areas into the City by July 1, 1980.

Mayor Trantham said when the studies on annexation are complete the citizens of the areas affected will have an opportunity to express their views.

Vice-Mayor Morris suggested that anyone having information which they feel would be helpful relative to the annexations, report the information to the Planning Department to be included in the full service study reports in order that Council might have all the information together in the report from the Planning Department.

RALPH BISHOP - COMMENTS RELATIVE TO ANNEXATION

Mr. Ralph Bishop spoke in opposition to annexations. He said the City would be bankrupt by building such buildings as the Civic Center, etc.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, the meeting adjourned at 6:05 p. m.

Raym. Trantham
MAYOR

William S. Anderson
CITY CLERK

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - FISCAL 1979-80 PARKS AND RECREATION DEPARTMENT BUDGET

7. Consideration was given to a budget amendment amending the Parks and Recreation Department Budget for Fiscal Year 1979-80.

The City Manager presented the budget amendment amending the Parks and Recreation Department Budget in the amount of \$2,500 to provide for additional funds to be received which will be used to complete the current enrichment program for the youth and parents of the Hillcrest Community Center neighborhood and to sponsor an Awards Day program of recognition for participants of the center.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 80-99 - Resolution authorizing the Mayor to execute contract with the Department of Transportation of the State of North Carolina for the maintenance of traffic control devices on the State Highway System Streets within the City of Asheville.

HIGHLIGHTS: The City of Asheville enters into an agreement with the North Carolina Department of Transportation for the City to maintain traffic control devices on the State Highway System streets within the City of Asheville. The new agreement updates the reimbursement schedule, which has not been revised since 1970.

Resolution Book No. 12 Page 117

- B. Resolution No. 80-100 - Resolution authorizing the Mayor to execute a lease agreement with Jack and Mitzi Tessier for the lease of the pavilion at the Recreation Park.

HIGHLIGHTS: The City has received a proposal to lease the pavilion at the Recreation Park to Jack and Mitzi Tessier for the operation of "Mama T's in the Park." Notice has been provided in accordance with N.C.G.S. 160A-272 relative to the intent to lease and this resolution will authorize the execution of the lease agreement.

Resolution Book No. 12 Page 118

ORDINANCE NO. 1169 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1979-80

4. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville for Fiscal Year 1979-80.

The City Manager read the ordinance explaining that the ordinance will summarize and ratify budget amendments approved through March 31, 1980.

Councilwoman Price moved for the adoption of Ordinance No. 1169. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1169 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1169. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1169 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1169. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1169 passed on third and final reading.

Complete text of Ordinance No. 1169 will be found in Ordinance Book No. 9 at page 121.

BUDGET AMENDMENT - FISCAL 1979-80 OPERATING BUDGET - RE: LIBRARY FUNDS

5. Consideration was given to a budget amendment amending the City of Asheville Fiscal 1979-80 Annual Operating Budget.

The City Manager presented the budget amendment amending the City of Asheville Fiscal 1979-80 Annual Operating Budget in the amount of \$7,560 to provide for supplemental federal monies received by the Library and recorded in their revenue account for federal grant receipts.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - FISCAL 1979-80 OPERATING BUDGET - RE: PLANNING DEPARTMENT

6. Consideration was given to a budget amendment amending the City of Asheville Revenue Sharing Fund Budget for Fiscal Year 1979-80.

The City Manager presented the budget amendment amending the City of Asheville Revenue Sharing Fund Budget in the amount of \$9,900 to provide funding for aerial photographs authorized and funded by City Council in the previous fiscal year (Resolution No. 79-62, March 8, 1979) but which must be paid for in the current fiscal year because the work was completed and billed in the current fiscal year.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously adopted.

RESOLUTION NO. 80-103 - RESOLUTION APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENTS

9. Note: At the request of Councilman Boland this item was deleted from the above consent agenda to be considered separately.

Consideration was given to a resolution appointing members to the Zoning Board of Adjustments.

The City Manager read the resolution reappointing Mr. John Abbott, Mr. Jack Baber, Mr. Graham Price, and Mr. Richard F. Webster as members of the Zoning Board of Adjustments.

Councilman Boland questioned the representativeness of the members of the Board of Adjustment. He said the Board members are mainly from North Asheville and in the upper income bracket. He said his concern is having a board made up of members who have knowledge and wisdom, but who do not come exclusively from upper income backgrounds. He said the membership should include women, blacks, people of different socio-economic backgrounds and from all parts of the City. He said a large majority of these people are often excluded from these board.

After considerable discussion, Councilwoman Price moved for the adoption of Resolution No. 80-103, which motion was seconded by Councilman Cole and carried on a roll call vote of 4-2, with Councilman Boland and Councilman Wilkes voting "no."

Complete text of Resolution No. 80-103 will be found in Resolution Book No. 12 at page 121.

RESOLUTION NO. 80-104 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE BOUNDARY LINE AGREEMENT WITH THE COUNTY OF BUNCOMBE

10. Consideration was given to a resolution authorizing the Mayor to execute boundary line agreement with the County of Buncombe.

The City Manager read the resolution explaining that the City of Asheville and Buncombe County own real estate found in Deed Book 1082, at page 243 and Deed Book 1082 at page 260 and the real estate has been leased to the State of North Carolina for a period of 99 years and is currently being used by the State Highway Patrol for offices and garage and it has become necessary to repair the damage to a retaining wall which is located on or near the property line. It is necessary to execute a boundary line agreement with the adjoining land owner before the aforementioned Lessee can repair the said retaining wall. This resolution will authorize the Mayor to execute the boundary line agreement in conjunction with the County of Buncombe with the adjacent land owner.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 80-104 was unanimously adopted.

Complete text of Resolution No. 80-104 will be found in Resolution Book No. 12 at page 122.

- C. Approval of bids received May 30, 1980 for "Type K Soft Copper Tubing (40 rolls 3/4", 20 rolls 1") for Water Maintenance and Construction Division."

HIGHLIGHTS: Four (4) bids were received. Recommendation of acceptance of low bid submitted by Westburne Supply, Inc. totaling \$3,045.00. Funding: Water and Sewer Department Operations Warehouse Inventory Account No. 30-140.

- D. Approval of bids received May 27, 1980 for "400 Water Meter Boxes for Water Maintenance and Construction Division."

HIGHLIGHTS: Four (4) bids were received. Recommendation of acceptance of low bid submitted by Southern Meter and Supply Company, \$8.79 per unit, totaling \$3,516.00. Funding: Water and Sewer Department Operations Warehouse Inventory, Account No. 30-140.

- D. Approval of bids received May 27, 1980 for "Tilt Cab and Chassis Complete with Enclosed Hydraulic Packer Type Body of the Push Out Type, 25-Yard Capacity to be used in Sanitation Division."

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of low bid submitted by Sanco Corporation in the amount of \$64,423.00. Funding: General Revenue Sharing Trust Fund - Public Works Department, Sanitation Division - Capital Outlay Equipment, Account Code No. 50-15-428.0074

- E. Approval of bids received May 27, 1980 for "1980 Requirements for Pool Chemicals for City of Asheville Parks and Recreation Department Pools."

HIGHLIGHTS: One (1) bid was received. Recommendation of acceptance of bid submitted by Ticar Chemical Company, Inc. totaling \$4,521.23. Funding: General Operating Funds Parks and Recreation Department.

- F. Resolution No. 80-101 - Resolution appointing member to the Asheville Library Board.

HIGHLIGHTS: This resolution will reappoint Mr. Anthony Lord as a member of the Asheville Library Board.

Resolution Book No. 12 at page 119.

- G. Resolution No. 80-102 - Resolution appointing members to the Asheville-Buncombe County Community Relations Council.

HIGHLIGHTS: This resolution will appoint Mr. Bob Carr and the Chief of Police to the Asheville-Buncombe County Community Relations Council.

Resolution Book No. 12 at page 120.

right of way, utilities, and construction at the Merrimon Avenue and Broadway interchange; and examination of right of way, utilities and construction for a proposed interchange in the Montford Avenue-Haywood Street vicinity. He said the submission of the applications will in no way be an endorsement or commitment to any proposal that has been presented to Council.

PUBLIC HEARING SCHEDULED - EXTENSION OF MORATORIUM ON MULTI-FAMILY FACILITIES IN THE BEAVERDAM VALLEY AREA

Councilman Boland moved to schedule a public hearing, for June 26, 1980, to consider an ordinance extending a moratorium on zoning permits for multi-family facilities in the Beaverdam Valley area. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - WATER AND SEWER CAPITAL CONSTRUCTION FUND

The City Manager presented a budget amendment amending the Water and Sewer Capital Construction Fund budget in the amount of \$20,810 to increase funding of Sunset Mountain activity to include the Old Toll Road sewer project by transferring unexpended funds from the Lower Water Lines activity.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

'PUBLIC DRUNKS - PRITCHARD PARK AREA - DISCUSSION

The City Manager said several weeks ago Council discussed the problem of public drunks loitering in the Pritchard Park area. He said since that discussion he personally observed the problem and three people were arrested on June 4, 1980 at Pritchard Park relative to this problem. He said the problem in dealing with the public drunks is the manner in which the state law controls such situations. He said the law is very restrictive on police officers. He said this subject will be a topic at the Chief of Police's meeting in July. He said the new social service facility on Patton Avenue can be helpful in the problem but a person has to have the desire to be rehabilitated before they can help them.

The City Manager said the Police Department will step up the "Operation Contact" program in the Pritchard Park and Lexington Avenue area in an effort to control the situation.

Councilman Brownlee said the problem with public drunks will not stop until the state legislators and the court system give the local police more authority.

RALPH BISHOP - REQUESTS FOR CITY RECORDS

Ralph Bishop again spoke to Council relative to the lottery peddlers operating in the City of Asheville. He also requested a copy of the bill of sale or agreement when the City sold the old Library building to the law firm of Morris, Golding, Blue and Phillips. He also requested a copy of the contract between the City of Asheville and the Blue Ridge Community Mental Health Center relative to providing mental health and related services to City employees.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 5:20 p. m.

Ray M. Landon MAYOR *William J. Moloney* CITY CLERK

PUBLIC HEARING SCHEDULED - GROUP DEVELOPMENT - "445 BILTMORE CENTER"

The City Manager said the Planning and Zoning Commission, at its meeting on June 4, 1980, reviewed and recommended approval of a site plan of a proposed office building to be located at the corner of Victoria Road and Biltmore Avenue. The plan was prepared by Brice-Morris Associates, Inc., Charlotte, N. C., Architects, for James W. Cogdell, Charlotte, N. C., developers.

Councilwoman Price moved to schedule a public hearing on the site plan of the proposed office building to be located at the corner of Victoria Road and Biltmore Avenue for June 19, 1980. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - ROSA LEE BAILEY - DONALD GREEN - SHELIA TEAGUE - J. O. THOMPSON - RICHARD A. BARCELOU - MEMORIAL MISSION HOSPITAL

The City Manager presented claims received from Rosa Lee Bailey, Donald Green, Shelia Teague, J. O. Thompson, Richard A. Barcelou, and Memorial Mission Hospital.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PUBLIC HEARING SCHEDULED - FLOOD PLAIN REGULATIONS

The City Manager advised that the City is required to adopt an ordinance establishing flood plain regulations for the City. He said the Planning and Zoning Commission reviewed the proposed flood plain regulations at its meeting on June 4, 1980. He said all interested parties should become aware of the plan for flood plain regulations prior to adoption of the ordinance.

Councilwoman Price moved to schedule a public hearing, for July 10, 1980, to consider the adoption of an ordinance establishing flood plain regulations for the City of Asheville. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING SCHEDULED - ORDINANCE ESTABLISHING STANDARDS FOR GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS

Councilman Boland moved to schedule a public hearing, for June 26, 1980, to consider an ordinance amending the Zoning Ordinance, being Ordinance No. 322, as amended establishing standards for Group Homes for the Developmentally Disabled Adults. This motion was seconded by Councilman Cole and carried unanimously.

INTENT TO APPLY FOR GRANT FROM APPALACHIAN REGIONAL COMMISSION - RE: DOWNTOWN AREA

The City Manager said the planning staff has been working with ideas surrounding the downtown area in regard to a downtown revitalization plan. He said two specific development proposals have been presented to Council, the Strous-Greenberg Plan and the plan presented by John Lantzus. He said regardless of what proposals are initiated certain improvements need to be made in the downtown area. He said the Planning Department will be submitting three applications, for an A-95 Review by the Land-of-Sky Regional Council, for a grant from the Appalachian Regional Council for water and sewer and drainage improvements in the downtown area; examination of

Vol. 48

18P1-18P1

Pres. Not. 2nd.

Vol. 48

1981-1982

Pgs. Not Cons.

<u>Appropriations - Budget Amendment - Community Development - Incentive Housing Project</u>	77
<u>Appropriations - Budget Amendment - Community Development - Lot Restoration Project</u>	77
<u>Angus Lane -</u> authorizing the name for an unnamed street which intersects Marlborough Drive and parallels East Hawthorne	81
<u>Asheville-Buncombe County Youth Council -</u> agreement with James H. Drew Amusement Co. for the provision of amusement rides at Westgate shopping center in conjunction with the A-B Youth Council.	83
<u>Alclaire Court -</u> closing of this street for "4th of July" Neighborhood Block Party	98
<u>Asheville/Buncombe County Criminal Justice Information System -</u> authorizing filing of application for state funds for local law enforcement information systems and to sign a contract with the State of North Carolina Department of Crime Control and Public Safety.	98
<u>Airport - Grant Agreement -</u> amendment no. 1 to Project No. 6-37-0005-06 for the installation of two automatic security gates at the Asheville Regional Airport.	110
<u>Alexander, Perry - Construction Co. -</u> authorizing Director of Public Works to enter into an agreement to blast away rock in order to complete the Beaverdam Creek Channel as required by the lease agreement for the purpose of the landfill site.	111
<u>Allen Center Facilities -</u> requesting that the Allen Center Board authorize the continuities of the Allen Center Facilities for the Asheville City Schools Optional Program	112
<u>Autohause of Asheville -</u> approval of sign permit at 2 Kenilworth Knoll	120
<u>Asheville Area Civic Center Commission -</u> reappointment of Mr. Fred Brown, Mr. Charles S. Davis, and Mrs. Carolyn Thompson	121
<u>Asheville-Buncombe Historic Resources Commission -</u> reappointment of Mr. Wayne Caldwell and Mr. Mike Cox	121
<u>Airport Annexation Area -</u> agreement with Skyland Volunteer Fire Department, Inc. for fire protection services in this area.	142
<u>Asheville Transit Authority -</u> bids accepted for ten new transit coaches for this	157
<u>Auction, Public -</u> authorizing Director of Finance to sell surplus property at auction	163
<u>Administration Offices -</u> budget amendment to appropriate for improvements to office	166
<u>Asheville Tree Commission -</u> appointment of John Reid, Verne Rhoades and Susan Mayer	168

"A"

<u>Alley</u> , - adjoining Boyd Avenue closed	2
<u>Asheville Federal Savings & Loan Assn.</u> - easement for purpose of new sewer line on Louisiana Avenue and Patton Avenue.	5
<u>Allison, W. B.</u> - hearing scheduled for appeal of decision of Board of Trustees Asheville Policemen's Pension and Disability Fund for May 28, 1981.	6, 47, 115
<u>Allen Center, Inc.</u> - authorizing conveying of deed for Disposal Parcel 1 in the Civic Redevelopment Area to Allen Center, Inc.	10
<u>Annexation</u> - Hearing relative to annexation of Chunns Cove Road, Bingham Road area, Patton Avenue area, Sweeten Creek Road area.	13-18 30-44, 72-74
<u>Appropriations</u> - ratifying and summarizing budget amendments from January 1, 1981 through March 31, 1981.	25
<u>Appropriations</u> - Budget amendments made re: worker's compensation expenses, street paving program 1980-81, correct budget amendment, improvements to Memorial Stadium, funding for the project Asheville Downtown Commercial Complex, replace windows on 7th floor of City Hall	26
<u>Asheville Revitalization and Economic Development Commission</u> - appointment of Mrs. Thomas E. Rardin and Mr. Robert N. Baylor	28
<u>Air Compressor (Diesel)</u> - bids approved for this item	44
<u>Asheland Avenue (Old)</u> - changing name of street Tolula Lane to Old Asheland Avenue.	45, 75, 95 111
<u>Appropriations</u> - budget amendment re: Community Development Fund Budget re: additional funds to complete Haywood Road Sewer Line Project.	46
<u>Amnesty International Day</u> - Proclamation - May 28, 1981	48
<u>Airport</u> - authorizing lease termination agreement with Hertz Corp.	48
<u>Austin, Andrea</u> - comments relative to sidewalks downtown	49
<u>Annexation</u> - comments by Ralph Bishop on recent annexation	49
<u>Appropriations</u> - Budget for 1981-82 for the City of Asheville	54, 84, 85 106, 116
<u>Asheville Revitalization and Economic Development Commission</u> - revised contract with Six Associates for staffing services.	67
<u>Asheville Municipal Primary and Election</u> - filing fee established for 1981	68
<u>Asheland Avenue and Phifer St</u> - Councilman Wilkes requested trees trimmed	70

<u>Asheville Area Civic Center Commission - appointment of Dr. Walter R. Boland as a member</u>	240
<u>Air Pollution Board - appointment of Mrs. Shirley Turner to this Board</u>	241
<u>Asheville-Buncombe Insurance Advisory Committee - reappointment of Ms. Helen A. Powers.</u>	241
<u>Asheville Downtown Commerical Project - Additional memorandum of understanding with Strouse-Greenberg for this project.</u>	249
<u>Architectural Conservation District - hearing scheduled for same</u>	253, 272 283, 292,
<u>Alpha Delta Kappa - Proclamation for week of October 11 - 17, 1981</u>	253
<u>Asheville Downtown Commercial Complex - request of Wayne Caldwell, Chairman of Save Downtown Asheville, Inc. for documents relating to this matter.</u>	254
<u>Apartment Complex - site plan for complex to be located on Nantahala Street</u>	268, 301
<u>Auditing Contract - for audit ending June 30, 1982 awarded to Patton, Hunter & Co.</u>	269
<u>Alleyway - Comments by Councilman Wilkes re: alleyway off Congress Street being blocked.</u>	276
<u>AFL-CIO - Proclamation for 100th Anniversary</u>	277
<u>ABC Board - reappointment of Osborne Hart as Chairman of the Asheville Board of Alcoholic Control</u>	277
<u>Alley - petition for designation of alley from Spruce Street to Market Street to be renamed Lawyer's Walk.</u>	278
<u>Arrowood, Jack - claim against the city</u>	278
<u>Asheville Downtown Commercial Complex - Certification of results of bond referendum documents relating thereto.</u>	294 -297
<u>Asheville Downtown Commercial Complex - agreement with Price, Waterhouse & Company for financial analysis of this complex.</u>	298
<u>Allen, Dorothy Mae - claim against the city</u>	298
<u>Asheville-Buncombe Water Authority - appointment of Ralph D. Morris, Jr., Wilhelmenia Bratton, and Charles Mills</u>	305
<u>Architectural Conservation District - rescinding ordinance creating district</u>	311 315 -317

"A" (cont'd)

<u>Asheville-Buncombe Charter Commission</u> - suggested appointments presented	173
<u>Asheville-Buncombe Charter Commission</u> - Barbara Keleher, Joe Webster, Robert J. Robinson, Dr. Cecil F. Sherman, Linda Winner, and Harold C. Enloe appointed	174
<u>Asheville Junior Tennis Team</u> - resolution of commendation	174
<u>Asheville Downtown Commercial Complex</u> - resolution making certain findings to the use of a proposed general obligation bond issue, authorizing the filing of an application with N. C. Local Government Commission and designating authorized representative to the City to file the application and employ bond counsel - for this project	175
<u>Airport Authority</u> - lease agreement with Asheville Regional Airport Authority	185
<u>Airport Property</u> - leased to Asheville Regional Airport Authority	185
<u>Airport Authority</u> - authorizing deed of easement between the City of Asheville, the Asheville Regional Airport Authority and Metropolitan Sewerage District for a sewer line at the Asheville Airport.	185
<u>Asheville-Buncombe 1982 World's Fair Promotion Fund</u> - budget amendment for this	185
<u>Asheville Revitalization and Economic Development Commission</u> -appointment of Thomas F. Dabney, Mrs. Robert N. Bailey, Mr. Walter St. G. Gladding, and Leon Rocamora.	188
<u>Asheville Downtown Commercial Complex</u> - orders authorizing \$22,000,000 Parking Facilities Bonds and \$18,000,000 Redevelopment Bonds in connection with this project and Strouse-Greenberg Company	195, 196 198, 202 203, 211-226
<u>Asheville Board of Education</u> - claim against the city	204
<u>Aycock School</u> - discussion relative to double parking in this area	205
<u>Airport Grant</u> - 6-37-0005-07 - for installation of an engine generator with enclosure and acquisition of snow removal equipment at the Asheville Regional Airport.	235
<u>Airport</u> - execution of grant agreement no. 2 for Project 6-37-0005-04 at the airport.	235
<u>Asheville Downtown Commercial Complex</u> - refund of contributions made toward this complex.	236
<u>Asheville Downtown Commercial Complex</u> - Public hearing for redevelopment plan	237

<u>Asheville-Buncombe Development Corporation - City of Asheville membership in the Corporation.</u>	392
<u>American Association of University Women Week - Proclamation for March 14-20, 1982</u>	393
<u>Ashe County Investigation - commended officers involved in this criminal investigation</u>	399
<u>Asheville Transit Authority - hearing relative to grant application with the Urban Mass Transportation Administration - operating assistance funds for Asheville Transit Authority.</u>	401
<u>Annexation Area, Bingham Heights - zoning of this area</u>	401
<u>Asheville-Buncombe Water Authority - approving plans for an additional resource development plan.</u>	403
<u>Asheville Area Foundation Funds - application for funds in support of the Asheville Buncombe Development Corporation for Economic Development Incentives.</u>	404
<u>Asheville-Buncombe Development Corporation - support of application for Asheville Area Foundation Funds in support of this corporation and economic development incentives.</u>	404
<u>Asheville-Buncombe Revitalization Fund - Budget Amendment for this</u>	404
<u>Adjustment, Board of - appointment of regular members - John Acee, Jack Baber, W. T. Duckworth, and John Abbott and alternate members - Richard Webster, Harold Talbert, Tom McCurry, and Mr. Graham Price</u>	408
<u>Acee, John - appointment to Zoning Board of Adjustment</u>	408
<u>Abbott, John - appointment to Zoning Board of Adjustment</u>	408
<u>"Asheville" Song - honoring Billy Edd Wheeler for recording his new song "Asheville"</u>	409
<u>Asheville - named best place to live of all American cities with less than 125,000 people in "Places Rated Almanac"</u>	409
<u>Ashe County - presentations to W. R. Buckner and R. R. Robinson - Police Department-participation in the search of an abandoned mine shaft in Ashe County</u>	414
<u>APAC-Carolina, Inc.- awarded contract - Pack Square Project</u>	414
<u>Asheville Catholic Community School - lease agreement - athletic field and playground</u>	416
<u>A-B Revitalization Fund - Budget Amendment - operating budget = general capital project fund</u>	420
<u>Asheville High School - commending for participation in International Exchange Program - foreign exchange students</u>	426
<u>Ashe, Bill - contract - architectural services - YMI Building</u>	430
<u>Asheville Transit Authority - budget amendment- revenue sharing- purchase of school buses</u>	432

"A"

<u>Asheville-Buncombe Water Authority</u> - request for expenditure of funds - Robert E. Turner as Consultant.	323
<u>Asheville-Buncombe County Youth Council</u> - Director of Parks and Recreation authorized to seek grant funding from the N. C. Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.	327
<u>Asheville Heating/Cooling</u> - Claim against the city	329
<u>Asheville Housing Authority</u> - Lawsuit claim	329
<u>Anderson, Leslie</u> - recognition to John Hayes and Leslie Anderson for receiving an award from Governor Hunt relative to the Hillcrest Enrichment Program.	331
<u>Automobiles</u> - Bids on automobiles and light trucks	333, 346
<u>Asheville Area Chamber of Commerce</u> - Director of Parks and Recreation authorized to enter into an agreement with the Chamber for participation in the 1982 Western North Carolina Golf Club.	337
<u>Asheville Policemen's Pension and Disability Fund</u> - Councilwoman Frank appointed as a member of the Board of Trustees	338
<u>Anderson, Luther B., Sr.</u> - resolution of appreciation and commendation	346
<u>Adams, Robert</u> - claim against the city	347
<u>Administration, Department of</u> - resignation of W. Michael Smith as director William F. Wolcott, Jr., temporarily Director of Administration	347
<u>April Clean-Up Month Program</u> - presentation by Quality Forward and Bretney Smith of Swannanoa Cleaners	350
<u>Apartment Complex</u> - Sugartree Development in Kenilworth	356
<u>Ashe County</u> - appropriation approved for criminal investigation in Ashe County	358
<u>Asheville/Ashe County Criminal Investigation</u> - City Manager's report on contributions received.	379
<u>Asheville Transit Authority</u> - resolution of appreciation to Arthur E. Eve, Jr. as Chairman of this Authority.	387
<u>Asheville Regional Airport Authority</u> - authorizing Mayor to apply to the N. C. DOT for a driveway permit on behalf of the Asheville Regional Airport Authority.	392 399

Asheville-Buncombe Development Corp. - budget amendment -503 committee 432

Airport - lease with Henderson County -property at Airport - little league 433
baseball practice field

Art Museum - presentation of proposal by art museum - relocation of art museum 440

<u>Budget Amendment -</u> amending Water and Sewer Budget to provide for water and sewer improvements in the newly annexed area.	67
<u>Burgulary Prevention Month -</u> proclamation for month of June	68
<u>Bids -</u> North Fork Reservoir - East Boundary Fence Line - awarded to Sears Contract Sales	69
<u>Bids -</u> accepted for Fire hose for Asheville Fire Department	69
<u>Bids -</u> accepted for three-inch diaphragm pumps for Water and Sewer Dept.	69
<u>Bids -</u> accepted for two air-powered underground piercing tools for Water and Sewer Operations.	70
<u>Bishop, Ralph -</u> comments re: proposed increases on everything	71
<u>Budget Amendment -</u> Community Development - Incentive Housing Program	77
<u>Budget Amendment -</u> Community Development - Lot Restoration Project	77
<u>Bishop, Ralph -</u> comments re: lottery sales and obtaining city records	83
<u>Boxing and Wrestling Commission -</u> Presentation of Check	84
<u>Budget Amendment -</u> General Capital Projects - Motor Transport Facility	96
<u>Budget Amendment -</u> Federal Capital Projects - North Asheville Park	96
<u>Budget Amendment -</u> Annual Operating Budget - Right-of-way purchases on Valley Street - Operations Complex	96
<u>Budget Amendment -</u> Community Development Budget - Planning Project	97
<u>Building Code Adopted - Building Inspection Permit Fees -</u> adopted	97, 123 139,
<u>Bids -</u> approval of bids for four vehicles for Police Department	99,
<u>Bids -</u> approval of bids for meter box covers - rims and lids	100,
<u>Bids -</u> approval of bids for "Estimated Annual Requirement for 5/8" and 1" water meters.	100
<u>Bee Tree Lake -</u> request of Helen Gray - opening of Bee Tree Lake for recreational use.	101
<u>Bishop, Ralph -</u> comments re: establishing schedule of prices for gravesite sites at Riverside Cemetery	104

"B"

<u>Boyd Avenue (Alley Adjoining)</u> - closing of	2
<u>Brownlee, Councilman Harold</u> - comments re: pension subsidies for retired police officers and their beneficiaries.	6
<u>Bradley, Vera</u> - claim against the city	6
<u>Bishop, Ralph</u> - comments re: Lottery sales - request for records, and J. C. Hall's Pension.	7
<u>Bishop, Ralph</u> - comments relative to former Police Chief J. C. Hall.	12
<u>Bingham Road area</u> - Annexation of this area into city limits	18, 30-44
<u>Budget Ordinance</u> - ratifying and summarizing budget amendments from January 1, 1981 - March 31, 1981	25
<u>Budget Amendments</u> - made re: worker's compensation expenses, street paving program 1980-81, correct budget amendments, improvements to Memorial Stadium, funding for the project Asheville Downtown Commercial Complex, replace windows on 7th floor of City Hall.	26
<u>Bids</u> - awarded for "SDR-35 PVC Pipe for Street Division	27
<u>Baylor, Mr. Robert N.</u> - appointed member of Asheville Revitalization and Economic Development Commission.	28
<u>Bids</u> - approved for a Diesel Air Compressor	44
<u>Bids</u> - approved for fire service nozzle accessories	44
<u>Budget Amendment</u> - amending Community Development Budget to provide funding to complete Haywood Road Sewer Line project	46
<u>Bishop, Ralph</u> - comments relative to the recent annexation	49
<u>Buncombe County Commissioners</u> - letter included in minutes from R. Curtis Ratcliff re: water agreement	50
<u>Budget</u> - for 1981-82 for the City of Asheville	54, 84, 85 106, 116
<u>Budget Amendment</u> - Revenue Sharing Funds - to budget for additional capital outlay items requested by the City Department.	65
<u>Budget Amendment</u> - amending Annual Operating budget re: annexation cost	66
<u>Budget Amendment</u> - amendment to Budget - Six Associates - Revised contr)	66

<u>Budget Amendment</u> - provide funding for the continuation of the Hillcrest Community Center Parenting Program Enrichment Project.	151
<u>Bele Chere 1981</u> - Proclamation	152
<u>Bele Chere 1981</u> - certain actions taken - closing streets, selling on streets and sidewalks, use of streets and sidewalks for demonstrations, parking fees at certain parking lots.	152
<u>Blue Ridge Parkway</u> - support use of Land and Water Conservation Fund Grant to further permanent headquarters.	156
<u>Budget Amendment</u> - appropriation of grant funds for 10 new buses for Transit Authority.	156
<u>Budget Amendment</u> - provide additional funds to cover contract change orders for the Eagle Street/Improvement UDAG project	157
<u>Budget Amendment</u> - to appropriate \$25,000 for the planning work necessary for the Regional Transportation Centers. - from State Grant and in-kind services.	157
<u>Bids</u> - approved for ten new transit coaches for the Asheville Transit Authority	157
<u>Burns, Doris</u> - claim against the city	158
<u>Budget Amendment</u> - appropriate funds for Brevard Road Water Line and Eagle Street Improvement/UDAG	162
<u>Brevard Road Water Line</u> - budget amendment to provide funding for this project to provide water line extension to the Champion Maintenance and Supply Company plant site.	162
<u>Bele Chere Festival of 1981</u> - sign regulations exempt during festival	163
<u>Buckner, James</u> - claim against the city	163
<u>Budget Amendment</u> - - Improvements to the Employee Safety and Development Training Room and Office Improvements in the Administration Department -- Reid Recreation Center Community Based Alternative Funding, Enrichment II Grant -- 1981/82 Bridge Renovation Program -- Surplus Community Development Funds.	166
<u>Bridge Renovation Program (1981/82)</u> - budget amendment for	166
<u>Bee Tree Lake Hatcheries</u> - authorizing director to sell fingerling trout from Bee Tree Lake Hatcheries.	166
<u>Bids</u> - awarded for Dry Zinc Polyphosphate for Water Treatment	168
<u>Bele Chere Festival 1981</u> -announcement of parade	168

"B" (cont'd)

<u>Best, John</u> - resolution of appreciation for service on Civil Service Board	105
<u>Budget Amendment</u> - amending operating budget and Community Development Budget (to appropriate contributions from County and CK for the Historical Resources Commission)	109
<u>Beaverdam Creek Channel</u> - authorizing Director of Public Works to enter into an agreement with Perry M. Alexander Construction Company to blast away rock in order to complete the Beaverdam Creek Channel as required by the lease agreement for the purpose of the landfill site.	111
<u>Bishop, Ralph</u> - comments relative to his residence	113
<u>Budget Amendment</u> - 1980-81 Operating Budget - appropriate funds for right of way acquisition and improvements to the intersection of Middlebrook and Old Haw Creek Road for the Cinnamon Ridge Apartment Complex	119
<u>Budget Amendment</u> - transfer money from the Civic Center budget to the Traffic Engineering budget to pay half of the \$6,000 cost of providing traffic signals and traffic islands in front of the Civic Center	119
<u>Brown, Fred</u> - appointment to Civic Center Commission	121
<u>Boozer, Mr. J. Michael</u> - reappointed member of Board of Electrical Examiners	121
<u>Bishop, Ralph</u> - comments re: penalties for parking violation to go into the school funds	121
<u>Budget Ordinance</u> - ratifying and summarizing budget amendments - April 2, 1981 through June 25, 1981	129
<u>Budget Ordinance</u> - establishing 7th year Community Development Block Grant Entitlement.	129
<u>Bids</u> - approved for one forklift for Water and Sewer Dept.	132
<u>Bids</u> - approved for two vehicles for Police Dept.	132
<u>Bids</u> - approved for 63 mobile radio units	132
<u>Bishop, George Lloyd</u> - resolution of appreciation and commendation (retirement)	137
<u>Blue Ridge Mental Health</u> - Petition presented - residents of Montview Drive opposition to planned development.	143
<u>Board of Adjustments</u> - amending zoning ordinance to permit Council to appoint more than nine members to the Board of Adjustments	146, 160, 165,
<u>Baird, Hubert</u> - claim against the city	147

<u>Bids</u> - refuse collection equipment - Public Works Department	193,206
<u>Bonds</u> - order authorizing \$22,000,000 Parking Facilities Bonds in connection with Asheville Downtown Commercial Complex - Strouse-Greenberg Company	195 211-226
<u>Bonds</u> - order authorizing \$18,000,000 Redevelopment Bonds in connection with Asheville Downtown Commercial Complex - Strouse Greenberg Company	196,198 211-226
<u>Bids</u> - one gasoline powered floor scrubber for the Civic Center	202
<u>Blue Ridge Community Mental Health Center</u> - contractual agreement to provide wide range of mental health and related services to the members of the administrative and classified service of the City.	202
<u>Bartlett, Bill</u> - claim against the city	204
<u>Bishop, Ralph</u> - comments relative to seeking redress from council members	205
<u>Budget Amendment</u> - Community Development- transfer of \$2,000 from Magnolia Park Project to Deaverview Park Project to cover cost of fencing work; Community Development - additional funds of \$19,000 to the Water/Sewer ARC Match Grants Project for the Reed Creek Sewer Line; establish capital project for CJIS Phase III in the amount of \$72,000 grant from N. C. Department of Crime Control and Public Safety.	228
<u>Broad Street</u> - rezoning property at 22 Broad Street at the request of Ronald S. Butler	229 284 257 273
<u>Beaverdam Valley</u> - temporary suspension of the extraterritorial jurisdiction in this area.	229,259 247,272
<u>Budget Amendments</u> - Facility Services- replacement of windows on the seventh floor of city hall - various city departments for cost of the 5% schedule adjustment granted by City Council effective July 1, 1981.	233
<u>Bids</u> - for bulk sodium chloride for snow and ice control - for public works department.	234
<u>Bishop, Ralph</u> - made suggestion to sell Riverside Cemetery - questions relative to parking lots, comments relative to city hall ramp work.	236 240
<u>Boland, Dr. Walter R.</u> - resolution appointing member to the Asheville Area Civic Center Commission.	
<u>Billboards</u> - letters relative to this in Open-Cut (I-240) - from sixth grade of St. Genevieve/Gibbons Hall School	241

"B" (cont'd)

<u>Balloon Race Day, Hot Air -</u>	Proclamation for August 15, 1981	169
<u>Banks, Jerry -</u>	claim against the city	169
<u>Bridge Services (Engineering) -</u>	agreement with Thompson-Gordon-Shook Engineers.	169
<u>Budget Amendments -</u>	for planning work necessary for a Regional Transportation Center Grant Funding, to recognize state grant from Dept. of Archives and History for restoration of facades in the Asheville Historic District, and appropriate unspent funds of 1980-81 Historic Resources Commission budget in 1981-82.	170
<u>Bryson, Mary -</u>	claim against the city	173
<u>Bond Issue - General Obligation - Asheville Downtown Commercial Complex</u>	resolution making certain findings to the use of a proposed general obligation bond issue, authorizing the filing of an application with the N. C. Local Government Commission and designating the authorized representative to the City to file the application and to employ bond counsel.	175
<u>Budget Amendment -</u>	for Asheville-Buncombe 1982 World's Fair Promotion Fund	185
<u>Byrd, Benny F. and wife Louella M. -</u>	authorized a consent judgement in the case of the N. C. Dept. of Transportation vs. Benny F. Byrd and wife Louella M. Byrd -condemnation by N.C. DOT for a drainage easement on McDowell St.	187
<u>Bids -</u>	approved for fencing at various parks	187
<u>Bids -</u>	approved for asphalt tennis courts at Kenilworth Park and Aston Park	187
<u>Bids -</u>	approved for water treatment chemicals	188
<u>Bailey, Mrs. Robert N. -</u>	appointed member of Asheville Revitalization and Economic Development Commission.	188
<u>Board of Adjustments -</u>	amendment to zoning ordinance - reduction in filing fee for appeals to the Board of Adjustment.	189,227
<u>Budget Appropriations -</u>	sewer line on Weaver Blvd./Reed Creek	189
<u>Bishop, Ralph -</u>	comments relative to seeking redress from Council members	190
<u>Budget Amendments -</u>	to provide funding for contract with Skyland Volunteer Fire Dept. for fire protection at the Asheville Regional Airport - to reappropriate funds for items approved in 1980-81 but not purchased of June 30, 1981 for Public Works Dept.	193

<u>Bishop, Ralph</u> - comments relative to appointment of City Manager, Corporation Counsel, City Clerk - Obtaining City records - lottery sales in Asheville.	314
<u>Boland, Dr. Walter R.</u> - resolution of appreciation for Councilmember	320
<u>Brownlee, Harold F.</u> - resolution of appreciation for serving as Councilmember	320
<u>Banking Depositories</u> - designated for city funds	321
<u>Bids</u> - 100 Fire Hydrants for Water and Sewer Department	322
<u>Bids</u> - Computer Memory and Disk Drive Storage - Data Processing Division	322
<u>Bids</u> - Pest Control Bid for City of Asheville - Discussion by John Harrison of Harrison Pest Control	326, 348
<u>Bishop, Ralph</u> - comments relative to the selection of the Mayor	326
<u>Budget Amendment</u> - amendment in the amount of \$80,000 to reflect budget affects of Water Agreement.	327
<u>Board of Adjustments</u> - amendment to Zoning Ordinance to decrease regular membership of the Board and providing for alternate members	328, 340 352
<u>Boy Scouts</u> - recognized at Council meeting	330
<u>Bishop, Ralph</u> - spoke relative to lottery sales and obtaining city records	330
<u>Bids</u> - on three diesel powered dump trucks	333
<u>Bids</u> - on automobiles and light trucks	333, 346
<u>Bids</u> - Eight Snow Plow Blades, Frame and Hoist Units- Street Division	335
<u>Budget Amendment</u> - Reappropriating funds to 1981-82 budget which were encumbered but not spent in 1980-81 Budget.	345
<u>Baugh, Mrs. G. H.</u> - claim against the city	338
<u>Bishop, Ralph</u> - comments relative to obtaining city records	339
<u>Budget</u> - Reconsideration of the 1981-82 Budget	341
<u>Buncombe County</u> - claim against the city	347
<u>Bickford, Andy</u> - claim against the city	347
<u>Buncombe County Commissioners</u> - meeting with City Council and Water Authority re: water source and engineering firm	347
<u>Bishop, Ralph</u> - comments relative to city records	349

<u>Bid - authorization to bid on house in open cut - I-240 Area</u>	242
<u>Budget Amendments - Water and Sewer Operating Department Radio Replacement Program; professional services for clear proceeds litigation; Seventh Floor Window Replacement; funds to reinstate police sergeant position not budgeted for 1981-82.</u>	248
<u>Building Permit Fee Schedule - amendment to fee schedule</u>	251,281
<u>Buncombe Construction Company - contract awarded to this company for Seventh Floor Window Replacement Project for City Hall Building.</u>	252
<u>Buncombe County Council on Aging - agreement with this agency for transportation services for the elderly.</u>	252
<u>Bishop, Ralph - request for records -</u>	256
<u>Bids - Body Armor for the Asheville Police Department</u>	262,274
<u>Bi-Lo Shopping Center - site plan for this complex to be located on Leicester Highway</u>	268, 301
<u>Bishop, Ralph - request for city records</u>	270
<u>Budget Amendments - Set up project known as Depot Street Plan; carry over of federal revenue sharing capital outlay appropriations into the 1981-82 budget.</u>	274
<u>Bishop, Ralph - comments relative to lottery sales in Asheville</u>	279
<u>Budget Amendment - set up fund known as YMI Building Renovation; change in legal services budget establishing office hours for Corporate Counsel</u>	285
<u>Bishop, Ralph - comments relative to Water Agreement and Lottery Sales</u>	286
<u>Bond Referendum - Certification of results re: Asheville Downtown Commercial Complex and Strouse=Greenberg project.</u>	294-297
<u>Bids - awarded for Compound Water Meters</u>	297
<u>Budget Amendments - reallocate legal services budget in view of the change in the legal services program for the Corporate Counsel</u>	304
<u>Bratton, Wilhelmenia - appointed a member of the Asheville-Buncombe Water Authority.</u>	305
<u>Bishop, Ralph - comments relative to Councilman Brownlee and Police Dept.</u>	306
<u>Bids - rehabilitation of Chunns Cove Bridge over Ross Creek</u>	310
<u>Bible Week - Proclamation for week of November 22 - 29, 1981</u>	311

<u>Bids</u> - Cast Iron Meter Box Covers - rims and lids awarded to Silverman Company	398
<u>Bishop, Ralph</u> - spoke on various items relative to the City of Asheville	399
<u>Budget Amendment</u> - relative to Asheville-Buncombe Revitalization Fund	404
<u>Budget Amendment</u> - \$6,000 for unanticipated repairs to the City Hall Bell Tower Roof	405
<u>Budget Amendment</u> - \$5,000 -City's share for the construction of a pump station for the Tiny Farms/New West Buncombe Elementary School - Water and Sewer Capital Construction Fund.	405
<u>Budget Amendment</u> - to repair City Hall Bell Tower Roof	405
<u>Budget Amendment</u> - amount of \$193,261 to pay N.C.D.O.T. cost of utility lines relocations associated with the I-240 project.	405
<u>Browning, Carole</u> - claim against the city	407
<u>Board of Adjustment, Zoning</u> - appointment of regular members - John Acee, Jack Baber, W. T. Duckworth, John Abbott - and alternate members Richard Webster, Harold Talbert, Tom McCurry and Graham Price	408
<u>Baber, Jack</u> - appointment to Zoning Board of Adjustment - regular member	408
<u>Bishop, Ralph</u> - comments on various matters	408
<u>Bingham Heights Area</u> - rezoning property in this area	409
<u>Budget Amendment</u> - Community Development Fund - transferring \$4,000 from Shiloh Multi-Purpose Center to Murphy/Oakley Park for lighting and fencing.	409
<u>Bids</u> - One Diesel Powered tractor for Public Works Department	411
<u>Buses</u> - contract change order for ten (10) transit coaches	411
<u>Bishop, Ralph</u> - comments relative to increasing revenues for city	413
<u>Buckner, W. R.</u> - recognized for participation in the search of an abandoned mine shaft in Ashe County.	414
<u>Blue Ridge Structure Company</u> - awarded contract - Replacement of Fairview Road Bridge	414
<u>Bridge</u> - Blue Ridge Structure Company awarded contract for replacement of Fairview Road Bridge.	414
<u>Budget Amendment</u> - City of Asheville operating budget - Allocate funds for performance pay increases	415
<u>Bishop, Ralph</u> - comments relative to Pack Memorial Library Building	417

"B"

<u>Budget Amendment</u> - in the amount of \$240,000 representing disposition proceeds from the sale of certain right-of-way parcels in East Riverside Redevelopment area to N. C. DOT.	352
<u>Budget Amendment</u> - in the amount of \$2,250 to revise City Charter and Code	353
<u>Bus Stop Pads and Benches</u> - agreement with West Asheville Merchants Association for these at Patton Avenue and Louisiana Avenue and Patton Avenue and Florida Avenue.	354
<u>Bus Stop Pads and Benches</u> - agreement with N. C. DOT for encroachment for the installation of these	354
<u>Bingham Heights Annexation Area</u> - Zoning of this property	355
<u>Black Awareness and Black History Month</u> - Proclamation for month of February	357
<u>Budget Appropriation</u> - made for Criminal investigation in Ashe County	358
<u>Budget Ordinance</u> - summarizing and ratifying all budget amendments made by Council from July 1, 1981 - December 31, 1981.	375
<u>Bridge</u> - Fairview Road - execution of right-of-way documents necessary for replacement of the Fairview Road Bridge.	378
<u>Bids</u> - two year contract for uniform service and rental	378
<u>Barton, Blanche</u> - Claim against the City	379
<u>Bingham Heights Annexation Area</u> - zoning in this area	382 401
<u>Bed and Breakfast of Asheville</u> - request to amend zoning ordinance to allow for overnight accommodations in single-family dwellings up to three(3) nights during World's Fair	388 395,403
<u>Bishop, Ralph</u> - comments relative to former Police Chief J. C. Hall	389
<u>Blakely, Virginia</u> - claim against the city	389
<u>Best, John</u> - lawsuit against the city	389
<u>Budget Amendment</u> - capital projects budget - federal grants program fund - additional funding received from grant to continue the music enrichment program at Reid Center.	391
<u>Bishop, Ralph</u> - Spoke relative to obtaining police pension records	394

"B" (cont'd)

<u>Budget amendment -</u>	operating budget - A-B Revitalization Fund - General Capital	420
<u>Project Fund</u>		
<u>Bishop, Ralph -</u>	comments relative to lottery sales	425
<u>Bear Creek Road, North -</u>	r/w documents authorized - two box culverts	430
<u>Biltmore Avenue/Caledonia Road -</u>	Municipal Agreement with N.C.D.O.T. for	431
<u>improvements to this intersection</u>		
<u>Budget Amendment -</u>	Revenue Sharing - Asheville Transit Authority - purchase of school	432
<u>buses</u>		
<u>Budget Appropriation -</u>	503 Committee - program of the Asheville-Buncombe	432
<u>Development Corporation</u>		
<u>Baseball, Little League -</u>	lease agreement with Henderson County for property at	433
<u>airport for use as a practice field</u>		
<u>Buncombe County and First Union -</u>	claim against the city	434
<u>Bishop, Ralph -</u>	comments relative to Mayor Roy Trantham	435
<u>Budget Amendment -</u>	summarizing and ratifying all budget amendments from 1-1-82 --	436
<u>3-1-82</u>		
<u>Budget Amendment -</u>	Reed Creek Sewer Line Improvements	437
<u>Biltmore Avenue -</u>	Municipal Agreement with N.C.D.O.T. - improving and resurfacing	437
<u>this street</u>		
<u>Bids -</u>	industrial type rubber-tired tractor - Sanitation Division	438
<u>Boy's Club Week, National -</u>	Proclamation - April 11-17, 1982	438

<u>City Hall Ramp Renovation Project</u> - agreement with Sutton-Kennerly, Assoc. for engineering services for this project.	82
<u>Community Development Planning Budget</u> - Budget Amendment	96
<u>City Hall Building Project</u> - Seventh Floor Window Replacement - contract with Wood and Cort, P. A. for design and construction architectural services.	98
<u>Central Avenue</u> - group development - "Harry Lerner Apartment Building" - to be located at corner of Central Avenue and Hi Alta	99,126
<u>Civil Service Board</u> - resolution of appreciation to Mr. John Best as member of Civil Service Board	105
<u>Civil Service Board</u> - resolution of appreciation to Sister Mary Veronia Schumacher for service as member of this Board	105
<u>Community Development</u> - Budget Amendment - appropriate contributions from CD Budget for Historic Resources Commission	109
<u>Charter Commission</u> - requesting legislative action creating a charter commission for the purpose of providing for an election on the consolidation of the governments of the municipalities within the county of buncombe.	109
<u>Consolidation of Governments</u> - requesting legislative action creating a charter commission for the purpose of providing for an election on the consolidation of the governments of the municipalities within the county of buncombe.	109
<u>Chambers, Joseph D.</u> - claim against the city	111
<u>Cinnamon Ridge Apartment Complex</u> -budget amendment to appropriate funds for right of way acquisition and improvements to the intersection of Middlebrook and Old Haw Creek Road for this project	119
<u>Civic Center</u> -Budget amendment - appropriate \$6,000 to the Traffic Engineering budget to pay half of the cost of providing traffic signals and traffic islands in front of the Civic Center.	119
<u>Civic Center Commission</u> - reappointment of Fred Brown, Charles S. Davis, and Mrs. Carolyn Thompson	121
<u>Cox, Mr. Mike</u> - reappointed to Asheville-Buncombe Historic Resources Commission	121
<u>Caldwell, Mr. Wayne</u> - reappointed to Asheville-Buncombe Historic Resources Commission	121
<u>Cromartie, Mr. Malachie</u> - reappointed member of Board of Electrical Examiners	121

"C"

<u>Carter/Goble Associates</u> - contract for professional consulting services relative to proposed regional transportation center in downtown Asheville.	4,112
<u>Carter, Spurgeon</u> - Presentation by Quality Forward	8
<u>Community Development Department</u> -sale of typewriter in this dept.	9
<u>Civic Redevelopment Area</u> - execution of deed conveying Disposal Parcel 1 in the Civic Redevelopment Area to Allen Center, Inc.	10
<u>Corporate Limits</u> - Annexation of Chunns Cove Road, Bingham Road area, Sweeten Creek Road Area, Patton Avenue area.	13-18,30-72-74 44
<u>Chunns Cove Area</u> - Annexation of this area into city limits	16 - 30-44
<u>Cordova Street</u> - closing of a portion of this street	21
<u>City Council Meeting</u> - May 14, 1981 - 4:00 p. m.- Asheville Civic Center	27
<u>Civic Center</u> - City Council Meeting - May 14, 1981 - 4:00 p. m.	
<u>Cumbough, Hal</u> - claim against the city	45
<u>Community Development Fund Budget</u> - budget amendment to this budget to complete Haywood Road Sewer Line Project	46
<u>Cooper, Jay</u> - Claim against the city	48
<u>Certificate</u> - recognition of Larry Fisher and Charles Killian - attainment of Certificate of Conformance in Financial Reporting.	70
<u>Consolidated Government</u> - resolution signifying Council's interest and willingness to explore.	70
<u>Cole, T. C.</u> - claim against the city	70
<u>Carver, A. G.</u> - claim against the city	70
<u>Community Development</u> - Budget amendment - re: Incentive Housing Program	77
<u>Community Development</u> - Budget Amendment - re: Lot Restoration Project	77
<u>Civil Service Board Election</u> - Certification of results	78
<u>Civil Service Board</u> - reappointment of Osborne M. Hart as Chairman and Thomas C. Posey as member	79
<u>Cemetery (Riverside)</u> - establishing a standard schedule of rates for gravesite sales	80
<u>City Building</u> - rental rates for non-city government tenants of City Bldg.	80

<u>Corporation Counsel</u> - report relative to Officer Herbert J. Watts Case	191
<u>Civic Center Commission</u> - resolution of appreciation to William E. Norwood	191
<u>Civic Center</u> - bids approved for one gasoline powered floor scrubber	202
<u>Cole, E. F.</u> - claim against the city	204
<u>Clark, William</u> - claim against the city	204
<u>Community Development Budget Amendments</u> - transfer of \$2,000 from Magnolia Park Project to Deaverview Park Project to cover the cost of fencing work; provide additional funds in the amount of \$19,000 to the Water/Sewer ARC Match Grants Project for the Reed Creek Sewer Line.	228
<u>Criminal Justice Information System Phase III</u> - Budget amendment to establish capital project for \$72,000 grant funds.	228
<u>Council - Rules and Procedures</u> - amendment to these rules relative to appeals, settlements, and use of corporate counsel	230
<u>Chef Tell Day</u> - Proclamation for September 25, 1981	234
<u>Cooper, G. E.</u> - claim against the city	234
<u>Carlson,, Mark A.</u> - quit claim deed of utility right of way on Plat Book 38 at page 20 executed for this person.	235
<u>Carroll Avenue Acquisition</u> - authorizing condemnation of property, Parcels No. 1, 4, 2, and 3.	239
<u>Civic Center Commission</u> - appointment of Dr. Walter R. Boland as member.	240
<u>Claims</u> - received from Mary Morgan and Julia Garren	242
<u>City Council Democratic Primary</u> - report of abstract of votes cast on September 22, 1982	242
<u>City Hall Seventh Floor Window Replacement Project</u> - contract awarded to Buncombe Construction Company	252
<u>Council on Aging, Buncombe County</u> - agreement for transportation services for the elderly.	252
<u>Credit Union Week</u> - Proclamation - October 11-17, 1982	254
<u>Caldwell, Wayne</u> - Chairman of Save Downtown Asheville , request for documents relating to Asheville Downtown Commercial Complex.	254

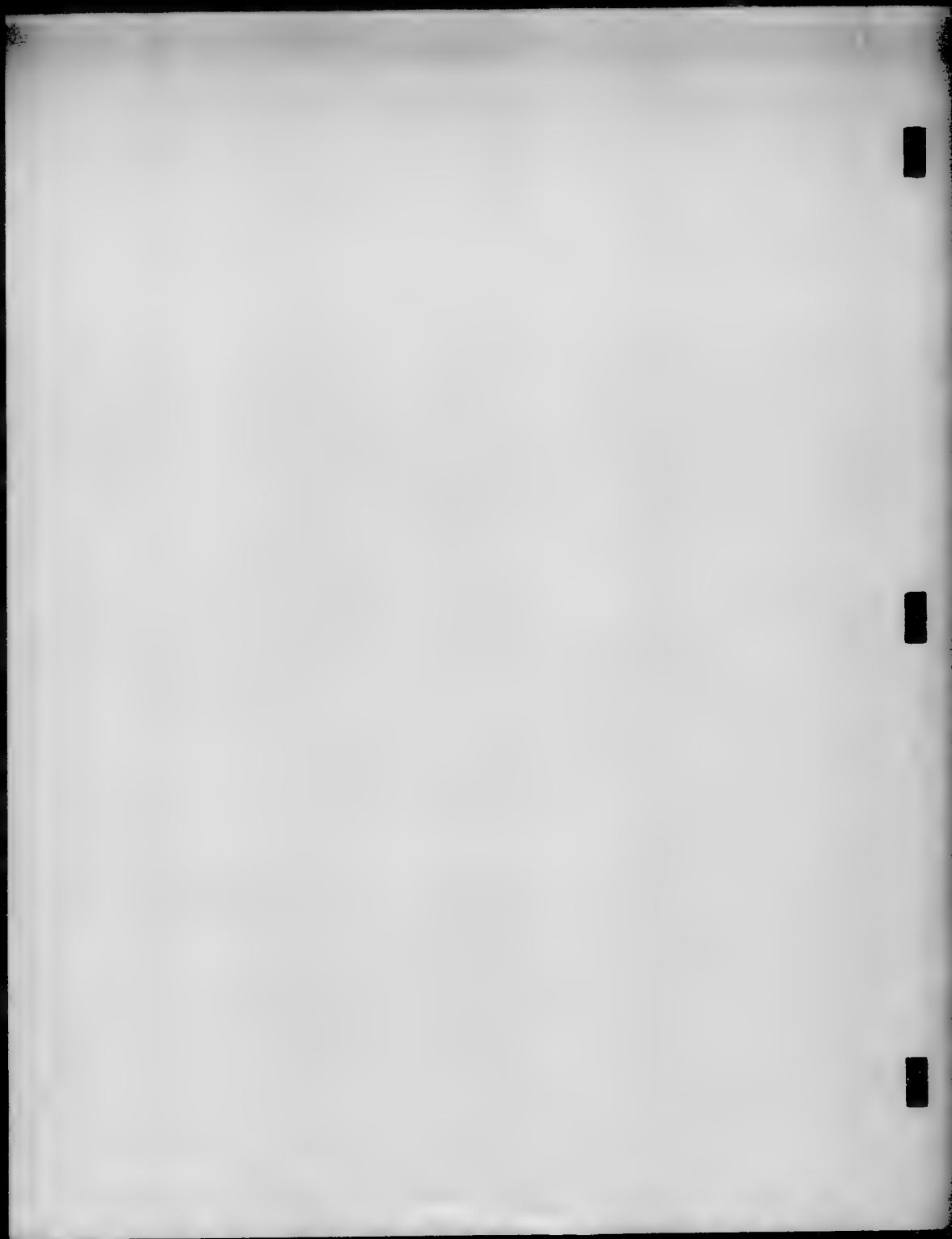
"C" (cont'd)

<u>Community Development Budget Ordinance</u> -establishing the 7th year Community Development Block Grant Entitlement.	129
<u>Cory, Mrs. Nancy</u> - appointed member of Recreation Board	131
<u>Clark, Charlotte</u> - claim against the city	143
<u>Carland, Thomas M.</u> - resolution of appreciation (retirement)	144
<u>City Hall Tenants</u> - authorizing City Manager to enter into rental agreements with tenants occupying city hall office spaces - Dr. E.R.S. Witten, Dr. W. H. McCall, and WNC Development Association.	152
<u>Charlotte Street "400"-</u> proposed condominiums complex - Group Development plan	153 154
<u>Community Development Budget Amendment</u> - provide additional funds to cover contract change orders for the Eagle Street Improvement/UDAG project	157
<u>Community Development</u> - Budget Amendment to increase appropriation for the Eagle Street Improvement/UDAG project.	162
<u>Cemetery, South Asheville</u> - quitclaim deed executed to South Asheville Cemetery Association.	164
<u>Country Club of Asheville, Inc.</u> - deed of easement accepted for Inglewood Road from Country Club of Asheville, Inc.	164
<u>Community Development</u> - Budget amendment to reprogram surplus Community Development funds.	166
<u>Civic Center Director</u> - appointment of William Murphy	168
<u>Civic Center Parking Garage</u> - contract awarded to WNC Parking Lot Services, Inc. to clean Civic Center Parking Garage.	171
<u>Corporate Counsel</u> - agreement with William C. Moore as Corporate Counsel for City of Asheville	171
<u>Charlotte Street</u> - authorized to be closed on Saturday, September 12, 1981 for St. Mary's Church's 20th Annual Sidewalk Sale	173
<u>Charter Commission, Asheville-Buncombe</u> - suggested appointments presented	173
<u>Charter Commission, Asheville-Buncombe</u> - Barbara Keleher, Joe Webster, Robert J. Robinson, Dr. Cecil E. Sherman, Linda Winner and Harold C. Enloe appointed.	174
<u>Coxie, Charles</u> - claim against the city	188
<u>Constitution Week</u> - Proclamation for week of September 17 - 23, 1981	188

<u>Council Committee Assignments - discussed</u>	348
<u>Clean-Up Month, April Program -Presentation by Quality Forward and Bretney Smith of Swannanoa Cleaners.</u>	350
<u>City Hall Snack Shop - Lease agreement with John J. Short, Sr.</u>	352
<u>Chestnut Street, East 235-237 - rezoning property located here</u>	355,
<u>Cammarato, Hermine - Claim against the city</u>	357
<u>Criminal Investigation - appropriations made for Ashe County Criminal Investigation.</u>	358
<u>Chambers, Marvin -made report relative to Councilman H. C. Wilkes' condition</u>	359
<u>Civic Center - request of Councilman Pless - consideration be given to churches sponsoring Easter Sunrise Service</u>	378
<u>Criminal Investigation - Report by City Manager - contributions received - Asheville/Ashe County Criminal Investigation.</u>	379
<u>City Hall Ramp - Construction on this</u>	379
<u>Community Development/Housing Authority - scheduling of meeting Liaison Committee meeting.</u>	379
<u>City/County Commissioners meeting - second tuesday of each month</u>	379
<u>Chestnut Street, 235-237 East - Rezoning property at this location</u>	381
<u>Churches - ancillary use - amendment to zoning ordinance to allow for repositories for ashes of human remains</u>	387, 402
<u>Casey, Dewey - claim against the city</u>	389
<u>Carter, W. W. - lawsuit against the city</u>	389
<u>Condemnation of property - in the Haw Creek Road Improvement Project</u>	391
<u>Consent Judgement - on behalf of the City in conjunction with the Mildred Whitener Claim</u>	393
<u>Carolina Power and Light Company - execution of documents between Carolina Power and Light Company and the Rhoades Estate.</u>	397
<u>Criminal Investigation - Ashe County - commending police officers involved</u>	399

"C"

<u>Carlson, Mark A. Development - approval of water service application</u>	260
<u>Congress Street - comments by Councilman Wilkes re: alleyway off Congress Street being blocked.</u>	276
<u>Community Development Block Grant Application - Amendment to the Seventh Year application.</u>	279, 303
<u>City Council General Election - Results certified to Council</u>	293
<u>Chunns Cove Bridge - rehabilitation of this bridge over Ross Creek</u>	310
<u>Cole, Jack F. - comments of appreciation of having served the City</u>	310
<u>Council Meeting - cancelled for November 26, 1981</u>	311
<u>City Council - Organizational Meeting December 3, 1981</u>	319
<u>Cole, F. Jack - resolution of appreciation for serving as Councilmember</u>	320
<u>Computer Memory and Disk Drive Storage - Bids for this equipment for Data Processing Division.</u>	322
<u>Convention II Project - Director of Parks and Recreation authorized to seek grant funding from the N. C. Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.</u>	327
<u>City Manager -authorization for City Manager to have extended leave due to house fire.</u>	329
<u>Campbell, Francis - claim against the city</u>	329
<u>Consent Judgement - authorized on behalf of City = N. C. DOT vs. A. C. Mitchell and wife, Willie Mae Mitchell</u>	329
<u>City Hall Ramp Project -contract awarded to Mountain Builders, Inc.</u>	330
<u>Chamber of Commerce - Director of Parks and Recreation authorized to enter into an agreement with the Chamber for participation in the 1982 Western North Carolina Golf Club.</u>	337
<u>Council Meetings - cancelled for December 24 and December 31, 1981</u>	338
<u>Copney, Vanessa - claim against the city</u>	347
<u>Council - meeting with Buncombe County Commissioners and Water Authority on water source and engineering firm.</u>	347
<u>Council - tour of city facilities</u>	347



"C" (cont'd)

<u>City Hall Bell Tower Roof</u> - budget amendment for \$6,000 unanticipated repairs	405
<u>Carter, William E., Jr.</u> - claim against the City	407
<u>Chamber of Commerce</u> - speaker at coffee talk - co-authors of "Places Rated Almanac" on Asheville being the best place to live of all American cities with less than 125,000 people.	409
<u>Churches</u> - amendment to zoning ordinance - repositories for ashes for human remains as an ancillary use to churches.	410
<u>Community Development Fund</u> - budget amendment to transfer \$4,000 from the Shiloh Multi-Purpose Center to Murphy/Oakley Park to provide for lighting and fencing.	410
<u>Coffey, David</u> - claim against the City	412
<u>Cameron, C. M.</u> - claim against the city	416
<u>Claims Administration Service</u> - contract with Gallagher/Bassett for service worker's compensation program	420
<u>Civic Center Commission</u> - report relative to Easter Sunrise Service	420
<u>Commercial Service District</u> - request of Martin L. Nesbitt - residential mobile home in this district - Old County Home Road	423
<u>County Home Road, Old</u> - request of Martin L. Nesbitt - residential mobile home in Commercial Service District	423
<u>Clark, Tina</u> - claim against the city	423
<u>Caledonia Road</u> - report relative to closing	423
<u>Cox, Mike</u> - contract for architectural services for restoration of YMI Building	430
<u>Caledonia Road/Biltmore Avenue</u> - Municipal Agreement with N.C.D.O.T. for improvements to this intersection.	431
<u>Civic Center</u> - discussion relative to Easter Sunrise Service - April 11, 1982	432
<u>City Personnel Advisory Commission</u> - established	433
<u>Cart Week</u> - Proclamation - April 1 - 6, 1982	434
<u>Cablevision</u> - request for rate increase - Thoms Broadcasting Companies, Inc.	438
<u>Civic Center Commission</u> - Letter relative to wrestling matches	439
<u>Civic Center Commission</u> - report relative to waiving of rental rates for Easter Sunrise Service Event	441

Worley, Grace	169	Jackson, James	234
Whitmire, Brenda	169	Sloan, Victor	234
Warner, Fred	169	Garner, Edward	234
Banks, Jerry	169	Cooper, G. E.	234
Mozingo, John	169	Rickman, Melissa	254
Shamey, Tammy	169	Krysposek, Cherie	254
Walters, Dan	169	Kitchen, Michael	254
King, Denver	173	Porter, Cedric	269
Thompson, James	173	Moyer, Ronald	269
Bryson, Mary	173	Taylor, Carvel	269
McDaniels, Gary	188	N. C. Dept. of Natural Resources	269
Coxie, Charles	188	Harper, John	269
Payne, Vaughn	188	Arrowood, Jack	278
Rhinehardt, Carl	188	Martin, Carolyn	278
Bartlett, Bill	204	Minyard, Dewey	285
Metcalf, James	204	Allen, Dorothy Mae	298
Fowler, Porter	204	Short, John	298
Wright, Hillard	204	Ward, Viola McKinney (lawsuit)	298
Cole, E. F.	204	Hayes, Ruby	306
Hoffman, Joe	204	Water Dept. Employees	306
Modgling, Thomas	204	Styles, Ruby	306
Hutchison, William	204	Smith, Mary	311
Asheville Board of Education	204	Talbert, Harold	311
Presnell, Agnes	204	McMinn, J. H.	311
Clark, William	204	Asheville Heating/Cooling	329
Gibbons, Robert	230	Campbell, Francis	329
Gamble, Eunice	230	Deweese, Bruce	329

CLAIMS

Forester, Brenda	6	Pinkston, Ralph	121
Green, Richard C.	6	Robinson, Patricia	121
Bradley, Vera	6	Sherman, Gary	121
Davis, Whitney P.	11	Hill, Steve	133
Wilson, William	28	Gaddis, Harry	133
Ogle, Annette	45	Watkins, Mrs. Ernest	133
Hammond, Ted	45	Gibson, Mrs. James	143
Wood, Patricia	45	Krause, Maxine	143
Cumbough, Hal	45	Clark, Charlotte	143
Hilz, Catherine	48	Lathrop, Jr., Roy P.	143
Messer, Margaret	48	Emory, Eric	147
Cooper, Jay	48	Lloyd, Ralph	147
Carver, A. G.	70	Baird, Hubert	147
Hill, Edison	70	McKinley, Douglas	147
Cole, T. C.	70	Young, A. J.	147
Enloe, Ruth	82	First Baptist Church	152
Simmons, Bertha	101	Harry's Cadillac and Pontiac	152
Howard, Mrs. Ruth	101	J. D. Demetris	152
Netherton, Mrs. J.	101	Harris Turley	152
Madison, Richard	111	Jones, Nina	152
Dunn, Agnes Omesa	111	Burns, Doris	158
Chambers, Joseph D.	111	Harris, Viola	158
Johnson, Cynthia Brown	111	Buckner, James	163
Fate, Geneva	111	Dodge, Roy, Jr.	163

Moseley, Susan	416
Wilson, Jack	416
J. D. Jackson Associates	416
Cameron, C. M.	416
Davis, Angela	416
Shytle, Shannon	416
Clark, Tina	423
Hensley, Dan	423
Knapp, Richard	423
Harris, William	423
Buncombe County and First Union	434
Maxine McCullom	434
Ervin Moody	434
Cecil Holt	439
George Thum	439

CLAIMS

Lindsey, Louise	329	J. Sweeney Auto Leasing	389
Sherlin, John	329	Blakely, Virginia	389
Kornhouser	329	Swepson, Anthony	389
FBH and Company (Lawsuit)	329	Hunter, Ervin	389
Delrio, Inc. (Lawsuit)	329	Osborne, Robert	389
Asheville Housing Authority (Lawsuit)	329	Casey, Dewey	389
Luther, Melvin	338	Tolley, Ethel	389
Porshia, Faran	338	Carter, W. W. (lawsuit)	389
Herr, Roger	338	Best, John (lawsuit)	389
Mediterranean Restaurant	338	Trulove, Joe (lawsuit)	389
Baugh, Mrs. C. H.	338	Duick, Charles	392
McDaris, Helen	347	Larkin, Nancy	392
Adams, Robert	347	Miller, John	399
Penka, Martha	347	Johnson, Vivian	399
McCarthy, Mary	347	Sluder, Clinton	407
Copney, Vanessa	347	Green, D.	407
Guillebeaux, L.	347	Browning, Carole	407
Buncombe County	347	Carter, Jr., William E.	407
Haney, Jessie	347	Kirby, Doug	407
Bickford, Andy	347	Padgett, Jack	407
Cammarato, Hermine	357	Lamy, E. R.	412
Barton, Blanche	379	Logan, Sherman	412
Pressley, Chuck	379	Spurrier, Martha	412
Lee, Ricky	379	Sheffard, Deborah	412
Jackson, Robert	379	Coffey, David	412
Smith, Gloria	379		

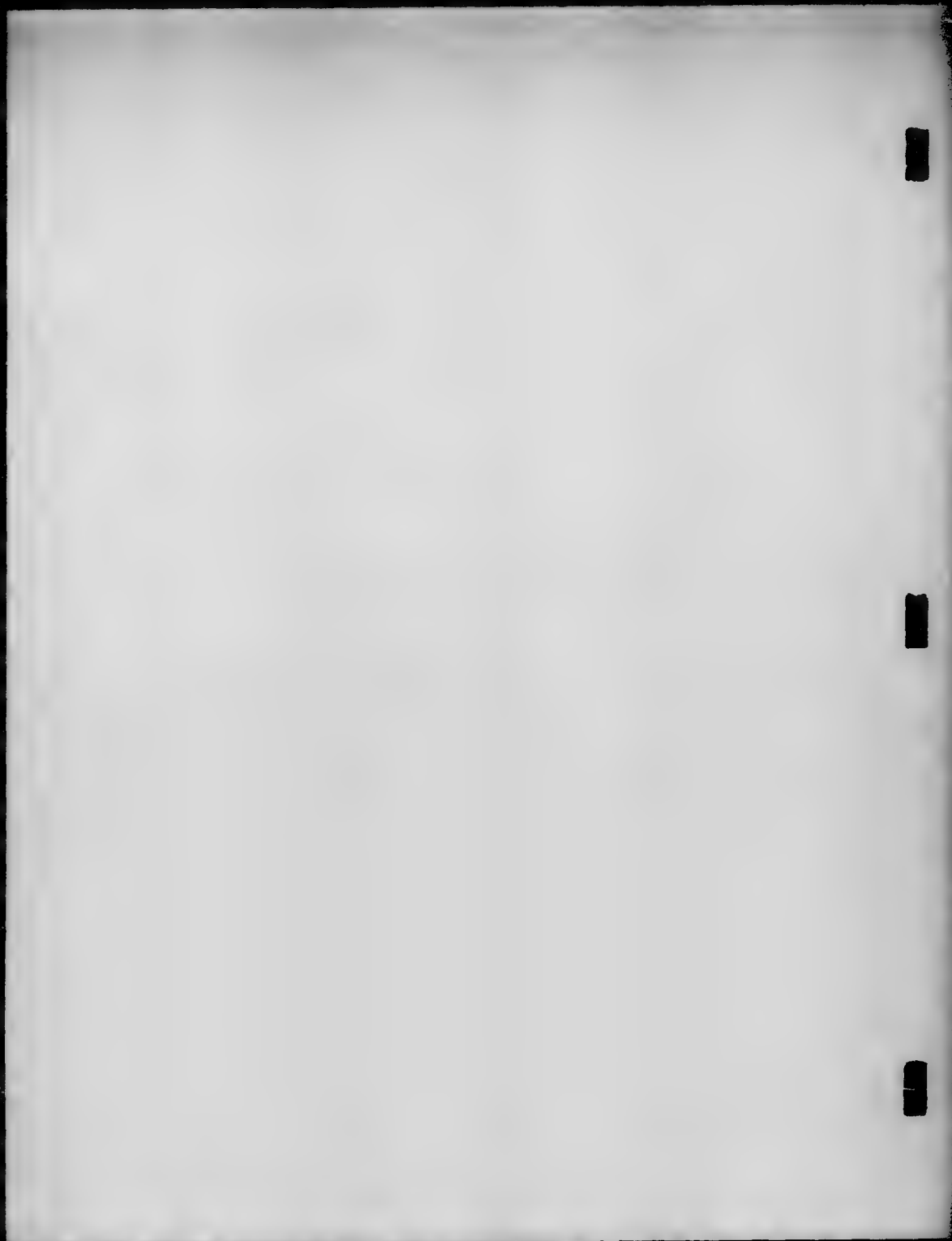
<u>Deerwood Condominiums</u> - group development plan - Hendersonville Road	153, 154
<u>Delany, Logan</u> - recognition of Logan Delany - community development director outstanding student award from Community Development Administration Course at the Institute of Government.	159
<u>Dodge, Roy, Jr.</u> - claim against the city	163
<u>Disposal Parcels</u> - Sale of parcels 19, 47-48, 141, 158 in the East Riverside Renewal Project area.	171
<u>Dabney, Thomas F.</u> - appointed to Asheville Revitalization and Economic Development Commission.	188
<u>Deaverview Ball Field, West Asheville</u> - petition requesting the installation of adequate lighting.	204
<u>Disposal Parcels</u> - sale of parcels 39, 178-B in East Riverside Renewal Project	227
<u>Dog Complaints</u> - petition from residents of Millbrook Road and Westwood Place - nuisance and health hazard created by dogs at 183 Westwood Place and 104 Tremont.	230
<u>Downtown Commercial Complex</u> - refund of contributions made toward the study of the downtown commercial complex.	236
<u>Downtown Commercial Complex</u> - public hearing on redevelopment plan	237
<u>Deed (Quitclaim)</u> - execution of quitclaim deed for property on Patton Avenue to David J. Young.	240
<u>Depot Street Area</u> - Economic Development strategy and improvements approved for this area.	241
<u>Democratic Primary (City Council)</u> - report of abstract of votes cast at City Council Democratic Primary - September 22, 1981	242
<u>Drought Water Conditions</u> - revising regulations of water use during drought or emergency conditions.	250, 261
<u>Deed of Easement</u> - executed for purpose of construction of sewer line on Forestdale Drive	251
<u>Deed of Easement</u> - construction of sewer line on Forestdale for Frank N. Jamison and wife Martha C. Jamison	269
<u>Dick Clark's American Bandstand Day</u> - Proclamation for October 30, 1981	278
<u>Drought Water Conditions</u> - discussion relative to actions to be taken	300

<u>Duyck, Captain Bill E. -</u>	resolution of appreciation (retirement)	1
<u>Department of Economic Development -</u>	established	4
<u>Downtown Asheville -</u>	contract with Carter/Goble Associates for professional services relative to the proposed regional transportation center	4, 112
<u>Disposal Parcels -</u>	Sale of Disposal Parcels 8A, 33, 159 in the East Riverside Renewal Area	9
<u>Disposal Parcel 1 -</u>	authorizing the conveying of a deed for Disposal Parcel 1 in the Civic Redevelopment Area to Allen Center, Inc.	10
<u>Davis, Whitney P. -</u>	claim against the City	11
<u>Drafting Week -</u>	Proclamation for week of April 27 - May 2, 1981	12
<u>Disposal Parcels -</u>	sale of Disposal Parcels 136 and 142 - East Riverside Renewal Project	46
<u>Downtown -</u>	comments by Andrea Austin re: sidewalks downtown	49
<u>Drew, James H. Amusement Company -</u>	agreement for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.	83
<u>Davies, John C. -</u>	rezoning property at 8 Temple Avenue	99, 127
<u>Dog License Tax -</u>	set up on a calendar year basis - removed from Revenue Ordinance	108
<u>Dunn, Agnes Omesa -</u>	claim against the city	111
<u>David, Charles S. -</u>	reappointed member of Civic Center Commission	121
<u>Davis, Frank -</u>	reappointed member of Board of Electrical Examiners	121
<u>Development Permit Fees -</u>	establishing erosion control permit fees	130
<u>DeBruhl, James Edward -</u>	resolution of appreciation and commendation (retirement)	135
<u>Dawson, Sarah -</u>	resolution of appreciation and commendation (retirement)	145
<u>Demetris, J. D. -</u>	claim against the city	152

<u>Drought Water Conditions -</u> revising regulations of water use during drought or emergency conditions.	304 , 309
<u>Demolition Liens -</u> establishing policy for collection of liens	305
<u>Depositories, Banking -</u> designated for city funds	321
<u>Data Processing Division -</u> bids for computer memory and disk drive storage	322
<u>Deweese, Bruce -</u> claim against the city	329
<u>Delrio, Inc. -</u> lawsuit filed against city	329
<u>Disabled Persons, International Year of -</u> Proclamation for 1981 Continue Programs	329
<u>Downtown Parking -</u> declaring certain holidays as free parking days in downtown Asheville.	336
<u>Downtown Development -</u> Meeting relative thereto for January 25, 1982	358
<u>Disabled Persons, National Year of -</u> Proclamation for this =1982	379
<u>Duick, Charles -</u> Claim against the city	392
<u>Development Corporation -</u> City of Asheville membership in the Asheville-Buncombe Development Corporation.	392
<u>Duckworth, W. T. -</u> apointment to Zoning Board of Adjustment - regular member	408
<u>Davis, Angela -</u> claim against the city	416
<u>Downtown Street Paving -</u> budget amendment - operating budget	420
<u>Development Corporation, Asheville-Buncombe -</u> budget appropriation - 503 Committee program of	432

<u>Economic Development Program</u> - resolution approving program for the City of Asheville for 1981-82 pursuant to Ordinance 1207.	172
<u>Enloe, Harold C.</u> - appointed to Asheville-Buncombe Charter Commission	174
<u>Economic Development, Asheville Revitalization Commission</u> - appointment of Thomas F. Dabney, Mrs. Robert N. Bailey, Mr. Walter St. G. Gladding, and Leon Rocamora	188
<u>East Riverside Renewal Project</u> - sale of disposal parcels - parcel 39 and 178-B	227
<u>Economic Development strategy and improvements</u> - approved for Depot Street area.	241
<u>Election</u> - report of abstract of votes cast at the Democratic Primary - City Council primary - September 22, 1981	242
<u>Emma Road</u> - execution of right-of-way agreement with Southern Railway Company for an 8" sewer line on Emma Road.	252
<u>Egypt</u> - Announcement of memorial services for Anwar Sadat of Egypt	255
<u>East End/Valley Street Project Area</u> - rezoning lots in this area	278, 302 308,
<u>Election</u> - Certification of the results of the Asheville City Council General Election.	293
<u>Election</u> - Certification of results of bond referendum on November 3, 1981 re: Asheville Downtown Commercial Complex - Strouse-Greenberg Project	294
<u>Election</u> - of the Mayor- Roy M. Trantham	319
<u>Election</u> - of the Vice-Mayor - Norma T. Price	319
<u>Energy Fair</u> - invitation to all members of Council to Western North Carolina Energy Fair.	357
<u>Enrichment Grants</u> - Director of Parks and Recreation authorized to apply for enrichment grants for Reid Memorial, Hillcrest, Montford, and Stephens-Lee Recreation Centers.	377
<u>Easter Sunrise Service</u> - request of Councilman Pless - consideration be given to churches sponsoring Easter Sunrise Service.	378
<u>Eve, Arthur E.</u> - Resolution of appreciation as Chairman to the Asheville Transit Authority.	387
<u>Encroachment Agreement</u> - right-of-way encroachment agreement with the Great Smokies Hotel Association for the construction of a sewer line and appurtenances on their property.	391

<u>Economic Development Department</u> - established	4
<u>East Riverside Renewal Area</u> - Sale of Disposal Parcels 8A, 33, 159	9
<u>Elmwood Road (also known as Elwood Street)</u> - closing of a portion of this street.	9,53
<u>Education, American Business Women's Association Education Month</u> - Proclamation for May, 1981	19
<u>Economic Development/Asheville Revitalization Commission</u> - appointment of Mrs. Thomas E. Rardin and Mr. Robert N. Baylor	28
<u>Easements</u> - executed by Mary Ann Noblett, C. A. Noblett, and Marjorie J. Keenan relative to McIntosh Road	28
<u>East Riverside Renewal Project</u> - approval of sale of Disposal Parcels 136 and 142	46
<u>Encroachment Agreements</u> - authorizing execution of blanket right-of-way encroachment agreement with N. C. Dept. of Transportation.	47
<u>Economic Development Commission</u> - revised contract with Six Associates for staffing services	67
<u>East Riverside Renewal Project</u> - sale of rightof way parcels Parcels N, O, P. & R Ash/So/ McD	67
<u>Election</u> - filing fee for 1981 Asheville Municipal Primary and Election established	68
<u>Election</u> - Certification of results of Civil Service Board Election	78
<u>Enloe, Ruth</u> - claim against the city	82
<u>Electrical Code Adopted</u> - <u>Electrical Fee Schedule</u> - Adopted	97, 124, 140
<u>Electrical Examiners (Board of)</u> - reappointment of J. Michael Boozer, Malachie Cromartie, Frank Davis, Walter Harlow and Larry Keenan	121,
<u>Erosion Control Permit</u> - establishing development permit fees	130
<u>Emory, Eric</u> - claim against the city	147
<u>Eagle Street Improvement/UDAG</u> - <u>Budget Amendment</u> - increase appropriations	162
<u>Employee Safety and Development Training Room</u> - budget amendment for improvements to.	166
<u>East Riverside Renewal Project</u> - Sale of disposal parcels 19, 47-48, 141 and 158.	171

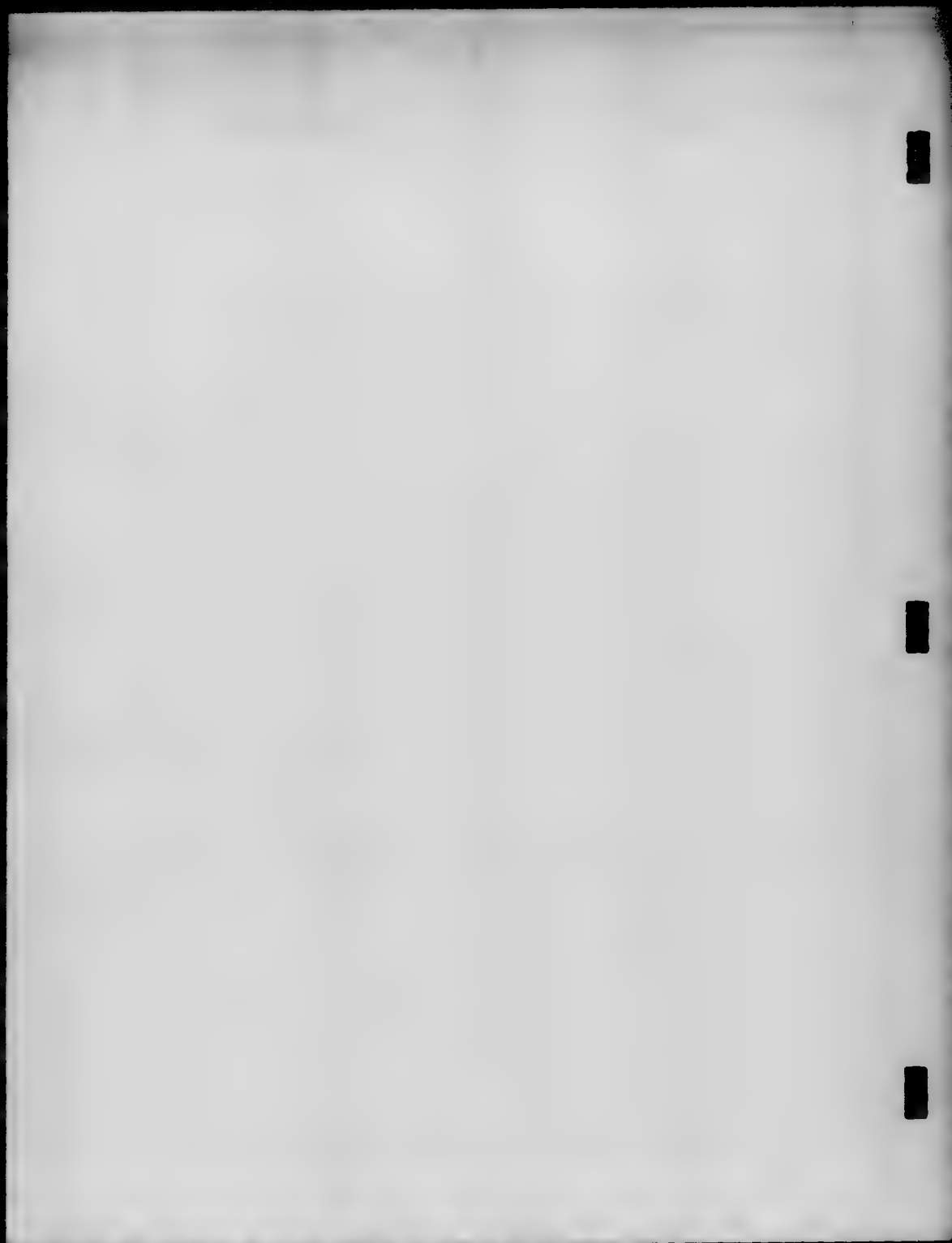


"E" (cont'd)

<u>Easement Documents -</u>	executed between Carolina Power and Light and the Rhoades Estate.	397
<u>Eve, Arthur -</u>	term expiring on Asheville Transit Authority	407
<u>Employee's Retirement System -</u>	agreement with N.C. LGERS to provide certain benefits as set forth in Chapter 1310 of Session Laws of 1973.	410
<u>Emergency Medical -</u>	contract with Western Carolina Emergency Medicine to provide attending physician services to the City Infirmary	412
<u>Employees - City Infirmary -</u>	contract with Western Carolina Emergency Medicine to provide attending physician services to the City Infirmary	412
<u>Equipment - City</u>	- discussion relative to leasing vs. cash purchases	412
<u>Employee Services (Infirmary)</u>	- contract agreement with Western Carolina Emergency Medicine, P. A. to provide attending physician services to the City Infirmary.	415
<u>Employee Pay Performance -</u>	budget amendment - city of Asheville operating budget allocate funds for performance pay increases	415
<u>Easter Sunrise Service -</u>	report from Civic Center Commission	420
<u>Easter Sunrise Service -</u>	discussion/action relative to this service 4/11/82	432
<u>Easter Sunrise Service -</u>	report from Civic Center Commission - request to waive rental rates for this service.	441

<u>Fire Protection Agreement - authorizing extension of thirty days on fire protection agreement with the Veterans Administration Hospital.</u>	233
<u>Fire Prevention Week - Proclamation for week of October 4-10, 1981</u>	234
<u>Federal Aviation Administration - accepting grant agreement no. 6-37-0005-07 for the installation of an engine generator with enclosure and the acquisition of snow removal equipment at the Airport.</u>	235
<u>Federal Aviation Administration - amendment no. 2 to grant agreement for project no. 6-37-0005-04 at the Airport</u>	
<u>Fire Rating for City of Asheville (Class 3) - Recognition of Chief Ball and Bill DeBruhl</u>	244
<u>Forestdale Drive - deed of easement executed for the purpose of constructing a sewer line on Forestdale Drive</u>	251
<u>Forestdale Drive - deed of easement executed with Frank N. Jamison and wife, Martha C. Jamison for construction of sewer line on Forestdale Drive.</u>	269
<u>Fire Protection Services - contract for Veterans Administration Hospital</u>	275
<u>Farm City Week - Proclamation for week of October 25-31, 1981</u>	278
<u>Forestdale 8-inch sewer line - contract awarded to Terry Brothers Construction Co.</u>	297
<u>Family Week - Proclamation for week of November 22 - 28, 1981</u>	298
<u>Fire Hydrants - Bids for 100 fire hydrants for Water and Sewer Department</u>	322
<u>FBH and Company - lawsuit filed against the city</u>	329
<u>Friedrich, Mark - invited Council members to Governor's Showcase of Solar Homes</u>	330
<u>Flint Street - petition relative to increased traffic on Flint Street</u>	331, 346
<u>Frank, Councilwoman Mary Lloyd - appointed as a member of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund</u>	338
<u>Fernwood Apartments - group development plan</u>	338, 340
<u>Federal Grants - discussion relative to supporting continuation of federal grants</u>	348
<u>Fennerwood Apartments - group development plan</u>	348 350
<u>Fletcher, Lottie Jean - request for extension of time to repair dwelling at 22 Normandy Road.</u>	358,
<u>Fairview Road Bridge- execution of right-of-way documents necessary for replacement of the Fairview Road Bridge.</u>	378

<u>Finance Department</u> - disposition of municipal records	5
<u>Forester, Brenda</u> - claim against the city	6
<u>Fire Service Nozzle Accessories</u> - Bids approved for this item	44
<u>Fireline</u> - Huntley Construction Company awarded contract for the project known as Old Haw Creek Road Six Inch Fireline	47
<u>Filing Fee</u> -for 1981 Asheville Municipal Primary and Election established	68
<u>Fire Hose - Asheville Fire Department</u> - Bids accepted	69
<u>Financial Reporting</u> - recognition of Larry Fisher, Charles Killian -- attainment of Certificate of Conformance in Financial Reporting.	70
<u>Fire Department</u> - Purchasing Director authorized to sell one 1954 surplus truck of the Fire Dept.	81
<u>Fire Alarm Boxes</u> - establishing standard maintenance charge	83, 151
<u>Federal Aviation Administration</u> - amendment no. 1 to grant agreement no. 6-37-0005-06 to install two (2) automatic security gates at the Asheville Regional Airport.	110
<u>Fate, Geneva</u> - claim against the city	111
<u>Fees and Charges -Parks and Recreation</u> - Advisory Board to establish upon approval of City Council.	141
<u>Fire Protection Services</u> - agreement with Skyland Volunteer Fire Dept. For services to the Airport Annexation Area.	142
<u>Family Care Homes</u> -amending zoning ordinance due to changes in the NC General Statutes dealing with Family Care Homes	147 161
<u>First Baptist Church</u> - claim against the city	152
<u>Frue, William C.</u> - appointed to Planning and Zoning Commission	169
<u>Fire Contract Fee Structure</u> - established	184
<u>Fire Contract Rate (Basic)</u> - approving rates	184
<u>Fowler, Porter</u> - claim against the city	204
<u>Fire Alarms</u> - Comments relative to false alarms	205



"F" (Cont'd)

Federal Grant - Budget amendment to reflect additional funding received to allow 391
the continuation of the music enrichment program at Reid Center.

Fanning Bridge Road - authorizing Mayor to sign a performance and indemnity bond 399
for the driveway permit on Fanning Bridge Road at the Asheville Regional Airport.

Fairview Road Bridge - contract with Blue Ridge Structure Company for project - 414
Replacement of Fairview Road Bridge

Foreign Exchange Students - commending Asheville High School on participation 426

First Union/Buncombe County - claim against the city 434

<u>Garner, Edward</u> - claim against the city	234
<u>Garren, Julia</u> - claim against the city	242
<u>Group Development</u> - Hearing scheduled for site plan of "Sugartree Apartment" complex.	244, 356, 372
<u>Graves, Abandoned</u> - request of Richard C. Nailing and Grover Redmon relocation of two abandoned graves located on their property in the Kenilworth Area.	276
<u>Governor's Showcase of Solar Homes</u> - invitation to members of Council by Mark Friedrich	330
<u>Golf Club, Western North Carolina</u> - Director of Parks and Recreation authorized to enter into an agreement with the Asheville Area Chamber of Commerce for participating in the 1982 Western North Carolina Golf Club.	337
<u>Group Development</u> - Fernwood Apartments	338
<u>Group Development</u> - Sunrise Manor Complex	338, 350
<u>Guillebeaux, L.</u> - claim against the city	347
<u>Grants, Federal</u> - discussion relative to resolution of support to continue federal grants.	348
<u>Group Development</u> - Fennerwood Apartments	350
<u>Great Smokies Hotel Association</u> - right-of-way agreement with this assn. for the construction of a sewer line and appurtenances on their property.	391
<u>Grant (Federal)</u> - budget amendment to reflect additional funding received to allow the continuation of the music enrichment program at Reid Center.	391
<u>Governmental Services Committee</u> - scheduled for March 3, 1982	399
<u>Gilchrest, Walter D.</u> - appeal relative to Policemen's Pension and Disability Fund	399
<u>Green, D.</u> - claim against the city	407
<u>Gordon, Miegan Mrs.</u> - resigned as member of Historic Resources Commission	407
<u>Gilchrist, Walter D.</u> - appeal from Board of Examiners of Asheville Policemen's Pension and Disability Fund	418
<u>Gallagher/Bassett</u> - awarded contract for claims administration service to the worker's compensation program	420

"C"

<u>Garbage and Refuse</u> - ordinance amending Chapter 13 of Code relative to this	2,8
<u>Green, Richard C.</u> - claim against the city	6
<u>Group Development</u> - Hearing re: apartment complex known as "Williamsburg Oaks" - Overbrook Drive	20
<u>Granada, Short</u> - closing all of Short Granada and portions of Granda Granada Street and Granda Circle	21
<u>Gravesite Sales</u> - establishing standard schedule for gravesite sales at Riverside Cemetery.	80
<u>Group Development</u> - "Harry Lerner Apartment Building" - corner of Central Avenue and Hi Alta	99,126
<u>Gray, Helen</u> - request of this person - opening of Bee Tree Lake for recreational use.	101
<u>Gravesite Sales</u> - comments by Ralph Bishop	104
<u>Gibbs, Mr. Roy B.</u> - reappointed member of Board of Motion Picture Operators.	121
<u>Golf Course Greens Fees</u> - increased	130
<u>Gaddis, Harry</u> - claim against the city	133
<u>Gibson, Mrs. James</u> - claim against the city	143
<u>Group Development</u> - Deerwood Condominiums - on Hendersonville Road	153,154
<u>Group Development</u> -400 Charlotte Street - proposed condominiums complex	153,154
<u>Gladding, Mr. Walter St. G.</u> - appointed member of Revitalization and Economic Development Commission	188
<u>Gas Line</u> - report by City Manager relative to broken gas line in Oakley Area.	205
<u>Group Development</u> - Discussion relative to Sugartree Project, page 211;	
<u>Gibbons, Robert</u> - claim against the city	230
<u>Gamble, Eunice</u> - claim against the city	230

Gilchrist, Walter D. - continuation of public hearing - appeal decision of 428
Board of Examiners of the Asheville Policemen's Pension and
Disability Fund

<u>Hill, Edison</u> - claim against the city	70
<u>Housing Incentive Program</u> - Community Development Budget Amendment	77
<u>Hart, Osborne M.</u> - reappointed chairman of Civil Service Board	79
<u>Haywood Street</u> - authorizing Vanderbilt Apartments to encroach upon the right of way of the sidewalk at 75 Haywood Street.	82
<u>Heating Code</u> - adopted	98, 126, 140
<u>Harry Lerner Apartment Building</u> - Group Development - corner of Central Avenue and Hi Alta	99, 126
<u>Hi Alta Avenue</u> - group development - "Harry Lerner Apartment Building	99, 126
<u>Honor America Days</u> - Proclamation - "Honor America Days" - June 14 - July 4, 1981	101
<u>Howard, Mrs. Ruth</u> - claim against the city	101
<u>Historic Resources Commission</u> - Budget Amendment - operating budget and Community Development Fund Budget to appropriate funds for this commission.	109
<u>Heating Inspection Fees</u> - establishing heating inspection fees	111
<u>Haw Creek Road (Old)</u> - budget amendment to appropriate funds for right of way acquisition and improvements to the intersection of Middlebrook and Old Haw Creek Road for the Cinnamon Ridge Apartment Complex.	119
<u>Historic Resources Commission</u> - reappointment of Mr. Wayne Caldwell and Mr. Mike Cox	121
<u>Harlow, Walter</u> - reappointed member of Board of Electrical Examiners	121
<u>Hill, Steve</u> - claim against the city	133
<u>Harrison Construction Company</u> - awarded contract for project known as the Haywood Road 10" Sewer Line Extension.	146
<u>Haywood Road 10" Sewer Line Extension</u> - contract awarded to Harrison Construction Co. for this project.	146
<u>Haywood Street</u> - authorized to be closed on July 29, 1981 from 8 p. m. to 12 midnight for Porsche Parade.	147
<u>Hillcrest Community Center Parenting Program Enrichment Project</u> - budget amendment in the amount of \$3,575.00 to provide funding for this project.	151
<u>Harry's Cadillac and Pontiac</u> - claim against the city	152

"H"

<u>Hardin, Joseph D.</u> - resolution of commendation and appreciation (retirement)	2
<u>Hearing</u> - closing of alley adjoining Boyd Avenue	2
<u>Hearing</u> - designation of local historic properties (Ravenscroft Bldg- YMI Building - Smith McDowell House - Richmond Hill)	11, 22 23
<u>Historic Properties</u> - designation of Ravenscroft Bldg, YMI Building Smith McDowell House and Richmond Hill.	11, 22 23, 24,
<u>Holocaust</u> - Proclamation for April 26 - May 2, 1981 as National Days of Remembrance of Victims of the Holocaust	11
<u>Hall, Former Police Chief J. C.</u> - comments by Ralph Bishop relative to this person.	12
<u>Hearing</u> - Annexation of Chumms Cove, Sweeten Creek Road, Patton Avenue area, Bingham Road area	13-18
<u>Hearing</u> - rules for conducting public hearing re: annexation	13
<u>Hearing</u> - group development - apartment complex known as Williamsburg Oaks - Overbrook Drive.	20
<u>Huntley Construction Company</u> - awarded contract for project known as Sardis Road 8" Water Line	26
<u>Huntley Construction Company</u> - awarded contract for project known as W. T. Weaver Boulevard 10" and 8" Water line.	27
<u>Hammond, Ted</u> - Claim against the city	45
<u>Huntley Construction Company</u> - awarded contract for project known as Old Haw Creek Road Six Inch Fireline	47
<u>Haw Creek Road Six Inch Fireline</u> - contract awarded to Huntley Construction for this project.	47
<u>Hearing</u> - General Revenue Sharing Fund use for FY 1981-82	47, 53
<u>Hearing</u> - amendment to Ordinance No. 1028- rezoning property on Leicester Highway.	48
<u>Hilz, Catherine</u> - claim against the city	48
<u>Hertz Corporation</u> - authorizing lease termination agreement for property at the airport	48

<u>Holidays</u> - declaring certain holidays as free parking days for downtown Asheville.	336
<u>Herr, Roger</u> - claim against the city	338
<u>Haney, Jessie</u> - claim against the city	347
<u>Hospitalized Veterans Day</u> - Proclamation for February 12, 1982	357
<u>Housing</u> - request of Lottie Jean Fletcher for extension of time to repair 22 Normandy Road.	358
<u>Housing</u> - 22 Normandy Road - Resolution relative to Ordinance No. 1183, known as ordinance directing demolition of this dwelling house.	376
<u>Human Relations Month</u> - Proclamation	379
<u>Historic Districts</u> - nomination of "Old S & W Cafeteria" - "Old Pack Memorial Library" and the "Kress Building" as local historic properties.	383
<u>Hunter, Ervin</u> - claim against the city	389
<u>Haw Creek Road Improvement Project</u> - condemnation of property for this project	391
<u>Hayes, John</u> - presentation of letter relative to program in the Hillcrest Recreation Center District.	395
<u>Hillcrest Recreation Center District</u> - presentation of letter to John Hayes relative to program in this center district.	
<u>Historic Resources Commission</u> - Carroll Hughes appointed as member	407
<u>Hughes, Carroll</u> - appointed as member of Historic Resources Commission	407
<u>House Bill Number 839</u> - requesting Senate approval and ratification - one-cent sales tax	416
<u>Hilz, Catherine</u> - amendment to noise ordinance - discussion	417
<u>Harris, William</u> - claim against the city	423
<u>Hensley, Dan</u> - claim against the city	423

"H" (cont'd)

<u>Hobson Construction Company</u> - contract for the Smith Bridge Twenty-four inch water line	157
<u>Harris, Viola</u> - claim against the city	158
<u>Historic District budget amendment</u> - to recognize state grant from Dept. of Archives and History for restoration of facades in the Asheville Historic District.	170
<u>Historic Resources Commission budget</u> - amendment to appropriate unspent portion of 1980-81 budget in 1981-82 budget.	170
<u>Historic Property</u> - designation of "Richmond Hill House" as historic property	187 192
<u>Holcombe Cove Road</u> - Encroachment agreement with N. C. DOT for water line on this road.	201
<u>Hoffman, Joe</u> - claim against the city	204
<u>Hutchison, William</u> - claim against the city	204
<u>Hearing</u> - rezoning property located on Louisiana Avenue - request of Harold Talbert	228
<u>Handicapped, Hire the</u> - Proclamation for week of October 4-10 1982.	242
<u>Housing and Urban Development</u> - UDAG Grant application public hearing relative to Strouse-Greenburg proposal for downtown	244
<u>Housing Code Amendments</u> - Section 8-29 (B) 7 of the Housing Code Amended	251, 280
<u>Harper, John</u> - claim against the city	269
<u>Hart, Osborne M.</u> - reappointed as Chairman of the ABC Board	277
<u>Hillcrest Football Team and Parade Homecoming</u> - Invitation to Council for October 31, 1981	285
<u>Halloween Haunted Houses</u> - Report by City Manager	285
<u>Hayes, Ruby</u> - claim against the city	306
<u>Harrison Pest Control</u> - Discussion by John Harrison re: pest control bid for City of Asheville	326, 348
<u>Hayes, John</u> - recognition for receiving an award from Governor Hunt relative to the Hillcrest Enrichment Program -	331
<u>Hillcrest Enrichment Program</u> - recognition to John Hayes and Leslie Anderson for receiving an award from Governor Hunt's Office re this program.	331

"H" (cont'd)

<u>Haywood Street</u> - authorizing Jared's Inc., to encroach upon the sidewalk in front of 60 Haywood Street.	431
<u>Henderson County</u> - lease agreement for property at the Airport for use as a little league baseball practice field	433
<u>House Bill - (839)</u> - requesting Senate approval and ratification - additional one-cent sales tax	434
<u>Holt, Cecil</u> - claim against the city	439
<u>Housing Finance Agency</u> - participation in NC Housing Finance Agency Home Improvement Loan Program	440
<u>Home Improvement Loan Program</u> - participation in NC Housing Finance Agency in this program.	440

"I"

<u>Inglewood Road -</u>	Deed of Easement Accepted from Country Club of Asheville	164
<u>Insurance Advisory Committee -</u>	reappointment of Ms. Helen A.	241
<u>Powers to this Committee</u>		
<u>I-240-</u>	authorization to bid on house in open cut - I-240 area	242
<u>International Year of Disabled Persons -</u>	Proclamation - 1981 Continue Programs	329
<u>Infirmery - City -</u>	contract with Western Carolina Emergency Medicine to provide attending physician services to the City Infirmery	412

"J"

<u>Jackson Avenue</u> - closing of a portion of this street	9,53
<u>Johnson, Cynthia Brown</u> - claim against the city	111
<u>Jones, Nina</u> - claim against the city	152
<u>Julian, Lake</u> - repealing sections of the code relating to the use and management of Lake Julian.	162
<u>Jackson, James</u> - claim against the city	234
<u>Jamison, Frank and wife Martha C.</u> - deed of easement executed with these individuals for a sewer line on Forestdale Drive	269
<u>Jackson, Robert</u> - claim against the city	379
<u>Johnson, Vivian</u> - Claim against the City	399
<u>J. D. Jackson Associates</u> - claim against the city	416
<u>Jared's Inc.</u> - authorizing to encroach upon the sidewalk in front of 60 Haywood Street.	431

Kirby, Doug - claim against the city

407

Knapp, Richard - claim against the city

423

" K"

<u>Kenilworth Area</u> - presentation by Mr. Peter Winslow to rezone Kenilworth area	114
<u>Keenan, Mr. Larry</u> - reappointed member of Board of Electrical Examiners	121
<u>Kenilworth Area</u> - moratorium on building permits	132
<u>Kleibor, John G.</u> - resolution of appreciation and commendation (retirement)	136
<u>Krause, Maxine</u> - claim against the city	143
<u>Kenilworth Area</u> - moratorium on rezoning request and zoning permits for multi-family residential uses in this area.	148 155 348
<u>King, Denver</u> - claim against the city	173
<u>Keleher, Barbara</u> - appointed member of the Asheville-Buncombe Charter Commission	174
<u>Kenilworth Area</u> - discussion relative to Sugartree Development, page 211; 356	
<u>Kenilworth Area</u> -hearing scheduled relative to rezoning	244, 287 308, 356
<u>Kenilworth Area</u> - hearing scheduled for site plan of "Sugartree Apartment" complex proposed for this area	244, 308
<u>Kryposek, Cherie</u> - claim against the city	254
<u>Kitchen, Michael</u> - claim against the city	254
<u>Kenneth A. Partin Development</u> - approval of water service application	260
<u>Kenilworth Area Cemetery</u> - request of Richard C. Nailling and Grover Redmon - relocation of two abandoned graves located on their property in Kenilworth	276
<u>Kenilworth Area</u> - imposing moratorium on rezoning permits and zoning permits in the Kenilworth Area.	278 291
<u>Kornhouser, Daniel</u> - claim against the city	329
<u>Kenilworth Knoll Drive</u> - accepted as a city-system street	336
<u>Kenilworth Area</u> - rezoning in this area	369, 385, 390
<u>Kress Building</u> - nomination as local historic property.	383, 385
<u>Kenilworth Park Parking Lot Paving</u> - contract awarded to Paving Enterprises, Inc.	387

<u>Leicester Highway</u> - site plan for "Bi-Lo Shopping Center" to be located on this road.	268, 301
<u>Lawyer's Walk</u> - petition for designation of alley from Spruce Street to Market Street to be renamed "Lawyer's Walk."	278
<u>Lottery Sales</u> - Comments by Ralph Bishop	279
<u>Livingston Street Day Care Center</u> - petition relative to staffing of center	285
<u>Lottery Sales</u> - comments by Ralph Bishop	286
<u>Lawyer's Walk</u> - named from Smith Alley	297
<u>Liens</u> - establishing policy for collection of demolition liens	305
<u>Leicester Highway</u> - accepting a seventeen (17) acre tract of land adjoining the "Meadows Apartments" off Leicester Highway	328
<u>Lindsey, Louise</u> - claim against the city	329
<u>Luther, Melvin</u> - claim against the city	338
<u>Land-of-Sky Dinner</u> - Announcement of	348
<u>Louisiana Avenue</u> - rezoning property in this area at the request of Harold Talbert	355
<u>Lee, Ricky</u> - claim against the city	379
<u>Louisiana Avenue</u> - rezoning property - request of Harold Talbert, agent for property owners.	382
<u>Larkin, Nancy</u> - claim against the city	392
<u>Lanford Brothers Company, Inc.</u> - awarded contract for Pack Square Project Milling	406
<u>Leasing -City Equipment</u> - Discussion relative to leasing city equipment vs. cash purchases	412
<u>Lamy, E. R.</u> - claim against the city	412
<u>Logan, Sherman</u> - claim against the city	412
<u>Library Building</u> - Ralph Bishop - comments relative to Pack Memorial Library Bldg.	417
<u>Lottery Sales</u> - comments by Ralph Bishop	425

"L"

<u>Louisiana Avenue and Patton Avenue -</u> easement with Asheville Federal Savings and Loan Assn. for a new sewer line	5
<u>Law, Respect for</u> - Respect for Law Week - Proclamation for week of May 1 - 7, 1981	19
<u>Leicester Highway -</u> amendment to Ordinance No. 1208 rezoning property on Leicester Highway.	48,86
<u>Lot Restoration Project -</u> Budget Amendment - Community Development	77
<u>Lottery Sales -</u> Ralph Bishop - Lottery Sales -	83
<u>"Lerner, Harry Apartment Building"</u> - group development - corner of Central Avenue and Hi Alta	99,126
<u>Landfill Lease -</u> agreement with Perry M. Alexander Construction Company to blast away rock in order to complete the Beaverdam Creek Channel as required by the lease agreement for the purpose of the landfill site.	111
<u>Library (Pack Memorial)-</u> conveying deed to Pack Memorial Library property to Buncombe County.	131
<u>Lathrop, Jr., Roy P. -</u> claim against the city	143
<u>Lloyd, Ralph -</u> claim against the city	147
<u>Land and Water Conservation Fund Grant -</u> resolution supporting use of grant to further permanent headquarters for Blue Ridge Parkway.	156
<u>Logan, Sherman -</u> resolution of appreciation and commendation	159
<u>Lake Julian -</u> repealing sections of the code relating to use and management of Lake Julian	162
<u>Larchmont Drive -and Merrimon Ave. -</u> N.C. Dept. of Transportation requested to install traffic light.	164
<u>Legal Services -</u> agreement with Patla, Straus, Robinson and Moore, P. A. for professional legal services related to various functional staff and operational service activities.	172
<u>Litter, Clean Up -</u> Proclamation for week of September 14 -18, 1981	204
<u>Louisiana Avenue -</u> rezoning property on this street at the request of Harold Talbert	228 246 258
<u>Lynx Condominium Project -</u> approval of water service application	260

<u>Motor Transport</u> - authorized to dispose of 110 used tires	142
<u>Montview Drive</u> - petition - resident of Montview Drive - opposition to planned development of Blue Ridge Mental Health.	143
<u>Moratorium</u> - on rezoning requests and zoning permits for multi-family residential uses in the Kenilworth area.	148 155
<u>Merrimon and Larchmont Drive</u> - N.C. Dept. of Transportation requested to install traffic light	164
<u>Mayer, Susan</u> - appointment to Asheville Tree Commission	168
<u>Murphy, William</u> - appointed as Civic Center Director	168
<u>Moore, William O.</u> - appointed to Planning and Zoning Commission	169
<u>Mitchell, Steve</u> - appointed to Planning and Zoning Commission	169
<u>Mozingo, John</u> - claim against the city	169
<u>Moore, William C.</u> - agreement to serve as Corporate Counsel for the City of Asheville.	171
<u>Metropolitan Sewerage District</u> - authorized deed of easement between the City of Asheville, the Asheville Regional Airport Authority and the Metropolitan Sewerage District for a sewer line at the Asheville Airport	185
<u>Modgling, Thomas</u> - claim against the city	204
<u>Metcalf, James</u> - claim against the city	204
<u>Morgan, Mary</u> - claim against the city	242
<u>Montford Avenue</u> - Sign Permit approved for David West at 29 Montford Avenue (Political Sign)	249
<u>Memorandum of Understanding</u> - with Strouse-Greenberg for Asheville Downtown Commercial Complex	249
<u>Motor Transport</u> - authorized to dispose of 150 used tires by private sale	252
<u>Municipal Agreement</u> - with N. C. DOT - improvements to McDowell Street Project No. 9.5130201	254
<u>McDowell Street</u> - Municipal Agreement with N. C. DOT for improvements to McDowell Street	254
<u>Memorial Services</u> - Announcement by Councilman Wilkes - Memorial service for Anwar Sadat of Egypt	255

"M"

<u>Music</u> - National Music Week - May 3 - 10, 1981 - Proclamation	19
<u>Meeting</u> - City Council meeting May 14, 1981 - 4:00 p. m. - Asheville Civic Center.	27
<u>Messer, Margaret</u> - claim against the city	48
<u>Municipal Election and Primary</u> - establishing filing fee for 1981	68
<u>MSD</u> - easement executed in favor of MSD for South Buncombe Interceptor Sewer	69
<u>Metropolitan Government</u> - resolution by Council signifying interest and willingness to explore	70
<u>Minutes</u> - of May 28, 1981 and March 26, 1981 and May 14, 1981 amended	72
<u>Motor Transport Facility</u> - Budget Amendment - General Capital Project	96
<u>Meter Box Covers, Rims and Lids</u> - Approval of bids for these items	100
<u>Meters, Water</u> -approval of bids for "estimated annual requirement for 5/8" and 1" Water Meters.	100
<u>Municipal Financing Associates, Inc.</u> - lease/purchase agreement for Pitney Bowles equipment - Electronic Scale and Accounting System with Interface	100
<u>Mount Clare Avenue - Woodrow Avenue</u> - rezoning property on this street	110, 137,
<u>Madison, Richard</u> - claim against the city	111
<u>Middlebrook</u> -budget amendment to appropriate funds for right of way acquisition and improvements to the intersection of Middlebrook and Old Haw Creek Road for the Cinnamon Ridge Apartment Complex.	119
<u>Metropolitan Sewerage District</u> - resolution concerning responsibilities under the 208 Area-Wide Water Quality Management Plan with respect to sewerage collector and Interceptor Lines.	120
<u>Motion Picture Operators (Board of)</u> - reappointment of Roy B. Gibbs and L. B. Simmons	121
<u>Mason, Lawrence B. (Babe)</u> - resolution of commendation (retirement)	123
<u>Municipal Golf Course</u> - increase in daily greens fees	130
<u>Moratorium</u> - Building permits in Kenilworth Area	132
<u>Moody, Robert Boone</u> - resolution of appreciation and commendation (retirement)	135
<u>MacNeill, Jessie I.</u> - resolution of appreciation and commendation (retirement)	136
<u>Maples, John H.</u> - resolution of appreciation and commendation (retirement)	136

<u>Mediterranean Restaurant - claim against the city</u>	338
<u>Meeting, Pre-Council - discussion relative to being held in Council Chambers</u>	346
<u>Memorial Stadium - Director of Parks and Recreation authorized to secure consultant assistance for this project</u>	353
<u>Motor Transport - authorizing Director to dispose of 100 used tires by private sale.</u>	356
<u>Municipal Agreement - with N. C. DOT re: U. S. 25 Ramp- Woodfin Street and Market Street.</u>	386
<u>Music Week - Proclamation for National Music Week - May 2-9, 1982</u>	389
<u>Meter Box Covers - rims and lids - bids awarded to Silverman Company</u>	398
<u>Miller, John - claim against the city</u>	399
<u>Murphy Oakley Park Entrance Road - contract with M.B. Haynes Elect. Corp.</u>	406
<u>M.B. Haynes Electric Corp. - contract for Murphy Oakley Park Entrance Road and Parking Lot Lighting.</u>	406
<u>Mountain Drive - r/w/ encroachment agreement with N.C.D.O.T. for water line off Young's Cove Road</u>	406
<u>Murphy/Oakley Park - budget amendment transferring \$4,000 from the Shiloh Multi-Purpose Center to the Murphy/Oakley Park for lighting and fencing</u>	410
<u>Moseley, Susan - claim against the city</u>	416
<u>Montford Avenue, 29- Request for sign permit - art</u>	422
<u>Mobile Home - Request of Martin L. Nesbitt - residential mobile home in Commerical Service District - Old County Home Road</u>	423
<u>Municipal Agreement - for improvements of intersection of Biltmore Ave and and Caledonia Road - with NC DOT</u>	431
<u>Metropolitan Sewerage District - appointment of Ms. Diane McDonal Sciara</u>	432
<u>Moody, Ervin - claim against the city</u>	434
<u>McCullom, Maxine - claim against the city</u>	434
<u>Mayor Roy Trantham - comments by Ralph Bishop</u>	435
<u>Municipal Agreement - with N.C.D.O.T. - for improving and resurfacing Biltmore Ave.</u>	437
<u>Museum, Art -presentation of proposal by Art Museum - relocation</u>	440

<u>Marshall, Cecil F.</u> - Resolution in memory of	257
<u>Mark A. Carlson Development</u> -approval of water service application	260
<u>Moyer, Ronald</u> - claim against the city	269
<u>Market Street to Spruce Street</u> - petition for designation of alley from Spruce Street to Market Street to be renamed "Lawyer's Walk."	278
<u>Moratorium</u> - imposed on rezoning requests and zoning permits in the Kenilworth Area.	278, 291
<u>Martin, Carolyn</u> - claim against the city	278
<u>Minyard, Dewey</u> - claim against the city	285
<u>Marine Corps Week</u> -Proclamation - week of November 8 - 14, 1982	298
<u>Memorandum of Understanding</u> - discussion re: same with Strouse-Greenberg	299
<u>Mills, Charles</u> - appointed to Asheville-Buncombe Water Authority	305
<u>Morris, Ralph D., Jr.</u> - appointed to Asheville-Buncombe Water Authority	305
<u>Morris, Ralph D., Jr.</u> - comments of appreciation for having served the city	310
<u>Meeting, Council</u> -cancelled for November 26, 1981	311
<u>Mayor Roy M. Trantham</u> - elected as Mayor	319
<u>Mayor, Vice</u> -Mrs. Norma T. Price elected as Vice-Mayor	319
<u>Morris, Ralph D., Jr.</u> - resolution of appreciation for services as Vice-Mayor and Councilmember.	321
<u>Meadows Apartments</u> - accepting a seventeen (17) acre tract of land adjoining the Meadows Apartments off Leicester Highway.	328
<u>Mitchell, A. C., and wife, Willie Mae</u> - consent judgement authorized on behalf of City -- N. C. DOT vs. these individuals.	329
<u>Mountain Builders, Inc.</u> - contract awarded for project known as remedial work - Asheville City Hall - City Hall Ramp Project.	330
<u>Motor Transport Superintendent</u> - authorized to dispose of 100 used tires by private sale.	337
<u>Meeting, Council</u> - cancelled for December 24 and December 31, 1981	338

"Mc"

<u>McIntosh Road</u> - easements accepted from Mary Ann Noblett, C. A. Noblett, and Marjorie J. Keenan	28
<u>McDaniels, Kenneth</u> - comments relative to Mrs. Tolula Rogers' statement at the Council meeting of June 11, 1981.	111
<u>McKinley, Douglas</u> - claim against the city	147
<u>McCall, Dr. W. H.</u> - rental agreement for office space in city building	152
<u>McDowell Street</u> - authorized a consent judgement in the case of N. C. DOT vs. Benny F. Byrd and wife Louella M. Byrd - condemnation for a drainage easement on McDowell Street.	187
<u>McDaniels, Gary</u> - claim against the city	188
<u>McDowell Street</u> - authority for City Manager to negotiate with N. C. DOT relative to storm drainage	205
<u>McMinn, J. H.</u> - claim against the city	311
<u>McDevitt, Councilman Larry</u> - comments relative to being a newly elected Councilman.	314
<u>McDaris, Helen</u> - claim against the city	347
<u>McCarthy, Mary</u> - claim against the city	347
<u>McCormick Field/Memorial Stadium</u> - discussion of professional services contract	347
<u>McCurry, Tom</u> - appointed as alternate member of Zoning Board of Adjustment	408

<u>Norwood, William E. - resolution of appreciation for service on the Asheville Area Civic Center Commission.</u>	191
<u>Naegele Outdoor Advertising Company - sign permits for I-240</u>	199,
<u>N.C. Dept. of Transportation - r/w encroachment agreement for water line on Holcombe Cove Road</u>	201
<u>N. C. DOT - authority for City Manager to negotiate relative to storm drainage on McDowell Street</u>	205
<u>North Carolina Police Information Network - contract for services to the City of Asheville Police Department.</u>	230
<u>Naegele Outdoor Advertising Company - sign permits for U. S. Highway 70 approved.</u>	234
<u>Naegele Outdoor Advertising Company - approval for signs on U. S. 74 and I-240</u>	243
<u>N. C. D-O-T- municipal agreement for improvements on McDowell Street Project No. 9.5130201</u>	254
<u>Nantahala Street Apartment Complex - site plan approval for same</u>	268, 302
<u>N. C. Dept. of Natural Resources - claim against the city</u>	269
<u>Nailling, Richard C. - request of Richard C. Nailling and Grover Redmon to relocate two abandoned graves located on their property in the Kenilworth Area.</u>	276
<u>North Carolina League of Municipalities - nomination of Mayor Roy Trantham as Third Vice President of League</u>	287
<u>N. C. Dept. of Transportation - contract with this agency for Asheville Urban Area Unified Work Program Grant for 1981-82.</u>	306
<u>North Asheville Park Funds - discussion relative to grant funds for this project</u>	306
<u>N. C. Youth Advisory Council - Director of Parks and Recreation authorized to seek grant funding from the N. C. Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.</u>	327
<u>N. C. Dept. of Transportation vs. A. C. Mitchell and wife, Willie Mae Mitchell - consent judgement authorized on behalf of the City.</u>	329
<u>N. C. Dept. of Transportation - Encroachment Agreement for the installation of bus stop pads and benches with the right-of-way of US 19-23.</u>	354

"N"

<u>Noland, Captain Robert B.</u> - resolution of appreciation (retirement)	1
<u>National Boys Club Week</u> - Proclamation for week of April 19-25, 1981	7
<u>N. C. Dept. of Transportation</u> - ordinance amending code changing speed limits on certain roads to conform with state road numbers	10
<u>Noblett, Mary Ann- C. A. Noblett</u> - easements accepted by these individuals relative to McIntosh Road.	28
<u>"Negro College Fund Week"</u> - Proclamation - United Negro College Fund Week May 11-15, 1981	28
<u>N.C. Dept. of Transportation</u> - authorizing execution of blanket right-of-way encroachment agreement	47
<u>North Fork Reservoir - East Boundary Fence Line</u> -bid awarded to Sears Contract Sales.	69
<u>North Asheville Park</u> - Budget Amendment - Federal Capital Projects delete city share of funding	96
<u>Neighborhood Block Party</u> - authorizing closing of Alclaire Court for "4th of July" Neighborhood Block Party.	98
<u>North Carolina - Department of Crime Control and Public Safety</u> - authorizing the filing of an application for state funds for local law enforcement information systems and to sign a contract with the State of North Carolina Department of Crime Control and Public Safety for the Asheville Buncombe County Criminal Justice Information System.	98
<u>Netherton, Mr. J.</u> - claim against the city	101
<u>North Fork Watershed House</u> -authorized to dispose of (surplus property)	142
<u>N.C. Dept. of Transportation</u> - rental agreement for 151 Valley Street	153
<u>N.C. Dept. of Transportation</u> - supplemental agreement for street and highway responsibilities.	155
<u>N.C. Dept. of Transportation</u> -requested to install traffic signal at the intersction of Merrimon and Larchmont Drive.	164
<u>N. C. Dept. of Transportation</u> - consent judgement in case of the N. C. DOT vs. Benny F. Byrd and wife Louella M. Byrd for a drainage easement on McDowell Street	187

"N"

<u>Normandy Road</u> - request of Lottie Jean Fletcher for extension of time to repair dwelling at 22 Normandy Road.	358
<u>Normandy Road</u> - resolution relative to Ordinance No. 1183 known as ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road.	376
<u>National Year of Disabled Persons (1982)</u> - Proclamation for this	379
<u>North Carolina Dept. of Transportation</u> - municipal agreement (U.S. 25 Ramp Woodfin Street and Market Street)	386
<u>North Carolina Department of Transportation</u> - authorizing Mayor to apply for a driveway permit on behalf of the Asheville Regional Airport Authority.	392 399
<u>Nutrition Month, National</u> - Proclamation for month of March, 1982	399
<u>N.C. D.O.T.</u> - budget amendment in the amount of \$193,261 to pay for cost of utility line relocations associated with the I-240 Project	405
<u>N.C. D.O.T.</u> - r/w encroachment agreement for water line on Mountain Drive off Young's Cove Road.	406
<u>N.C. Local Governmental Employees' Retirement System</u> - agreement to provide certain benefits as set forth in Chapter 1310 of Session Laws of 1973	410
<u>Noise Ordinance</u> - Catherine Hilz - amendment to noise ordinance - discussion	417
<u>Nesbitt, Martin L.</u> - request for residential mobile home in Commercial Service District - Old County Home Road	423
<u>-N.C. D.O.T.</u> - for improvements of the intersection of Biltmore Ave and Caledonia Rd.	431
<u>N.C. D.O.T.</u> - for improving and resurfacing Biltmore Avenue	437
<u>North Carolina Housing Finance Agency</u> - participation in this agency - home improvement loan program	440

<u>Older Americans Month</u> - Proclamation - Month of May, 1981	12
<u>Overbrook Drive</u> -group development - apartment complex known as Williamsburg Oaks on this street	20
<u>Ogle, Annette</u> - claim against the City	45
<u>Oakley Area</u> -Report from City Manager relative to broken gas line	205
<u>Organizational Meeting</u> - of City Council - December 3, 1981	319
<u>Oaths of Office</u> - of newly elected Council members for 1981 - 83	319
<u>Osborne, Robert</u> - claim against the city	389
<u>Old County Home Road</u> - request of Martin L. Nesbitt - residential mobile home in Commercial Service District	423

<u>Proclamation - May 28, 1981 - Amnesty International Day</u>	48
<u>Proclamation - month of June as Burglary Prevention Month</u>	68
<u>Parking Lots - increase in parking lot fees</u>	76,95,107
<u>Parking Violations - increase in penalties for parking violations</u>	77,95,108
<u>Posey, Thomas C. - reappointed member of Civil Service Board</u>	79
<u>Parking Rates - increase in daily and hourly rates and Parking Garage</u>	79
<u>Parking Garage - increase in daily and hourly rates</u>	79
<u>Property - authorizing Purchasing Director to sell 1954 truck from the Asheville Fire Dept.</u>	81
<u>Plumbing Code - Inspection Permit fees - adopted</u>	97,125 140
<u>Police Department - approval of bids for four vehicles</u>	99
<u>Pitney Bowles Equipment - lease/purchase agreement with Municipal Financing Associates, Inc. for one electronic scale and one electronic accounting system.</u>	100 100
<u>Postal Equipment - lease/purchase agreement with Municipal Financing Associates Inc. for one electronic scale and one electronic accounting system.</u>	100
<u>Proclamation - "Honor America Days" - June 14 - July 4, 1981</u>	101 111
<u>Perry M. Alexander Construction Company - agreement to blast away rock in order to complete the Beaverdam Creek Channel as required by the lease agreement for the purpose of the landfill site.</u>	111
<u>Police Officers- recognition for their volunteer efforts working along with Blue Ridge Community Health in drug education.</u>	114
<u>Pinkston, Ralph -claim against the city</u>	121
<u>Pack Memorial Library property -conveying deed to this property to County of Buncombe.</u>	131
<u>Pfeiffer, William E. - reappointed member of Recreation Board</u>	131
<u>Police Department - bids approved for two vehicles</u>	132
<u>Paving Program (1981-82) - Warren Brothers Company awarded contract</u>	132
<u>Parris, Clayton, - resolution of appreciation and commendation (retirement)</u>	136
<u>Parks/Recreation Fees and Charges -Advisory Board to establish fees and charges for Dept. upon approval of City Council</u>	141

<u>Police Pension</u> - hearing scheduled for appeal of W. B. Allison from Board of Trustees of Asheville Policemen's Pension and Disability Fund	6, 47, 115
<u>Police Pension</u> - Comments by Councilman Brownlee re: pension subsidies for retired police officers and their beneficiaries.	6
<u>Proclamation</u> - National Boys Club Week - April 19-25, 1981	7
<u>Proclamation</u> - Private Property Week - April 19-25, 1981	7
<u>Private Property Week</u> - Proclamation for week of April 19-25, 1981	7
<u>Property</u> - sale of typewriter in the Community Development Dept.	9
<u>Proclamation</u> - National Secretaries' Week - April 19-25, 1981	11
<u>Proclamation</u> - National Days of Remembrance of Victims of the Holocaust	11
<u>Proclamation</u> - April 27 - May 2, 1981 - Drafting Week	12
<u>Proclamation</u> - May, 1981 - Older Americans Month	12
<u>Patton Avenue area</u> - annexation of this area into city limits	17-18, 30-44
<u>Proclamation</u> - May, 1981 - American Business Women's Association Education Month	19
<u>Proclamation</u> - May 3-10, 1981 - National Music Week	19
<u>Proclamation</u> - May 1 - 7, 1981 - Respect for Law Week	19
<u>Parkway Drive</u> - closing of a portion of this street	21
<u>Parking</u> - ordinance amending Code to permit the issuance of multiple citations for illegal parking.	24,
<u>Pipe</u> - Bids awarded for SDR-35 PVC pipe for Street Division	27
<u>Proclamation</u> - United Negro College Fund Week - May 11-15, 1981	28
<u>Proclamation</u> - Senior Center Week May 10-15, 1981 - Senior Citizens Day - May 12, 1981.	28
<u>Proclamation</u> - Preservation Week - May 10-16, 1981	29
<u>Preservation Week</u> - Proclamation - week of May 10-16, 1981	29

<u>Parks</u> - bids approved for fencing at various parks	187
<u>Parks</u> - bids approved for asphalt tennis courts at Kenilworth Park and Aston Park	187
<u>Payne, Vaughn</u> - claim against the city	188
<u>Proclamation</u> - Constitution Week - September 17 - 23, 1981	188
<u>Parking Facilities Bonds</u> - in connection with Asheville Downtown Commercial Complex and Strouse-Greenberg proposal.	195, 198 211-226
<u>Pinespring Drive (Haw Creek)</u> - accepted as a city system street	201
<u>Proclamation</u> - Clean Up Litter - September 14-18, 1981	204
<u>Petition</u> - requesting the installation of adequate lighting - West Asheville Deaverview Ball Field -	204
<u>Proclamation</u> - Prince Hall Masonic Week - September 13 - 19, 1981	204
<u>Prince Hall Masonic Week</u> - Proclamation for week of September 13 - 19, 1981	204
<u>Presnell, Agnes</u> - claim against the city	204
<u>Parking, Double</u> - discussion relative to double parking around Aycock School	205
<u>Public Works Department</u> - bids re: refuse collection equipment	193, 206
<u>Police Department</u> - contract for services provided by North Carolina Police Information Network to the City of Asheville Police Department.	230
<u>Petition</u> - residents of Millbrook Road and Westwood Place - nuisance and health hazard created by dogs at 183 Westwood Place and 104 Tremont.	230
<u>Public Works Department</u> - Bids for bulk sodium chloride for snow and ice control for Public Works Department.	234
<u>Proclamation</u> - September 25, 1981 - Chef Tell Day	234
<u>Proclamation</u> - October 4-10, 1981 - Fire Prevention Week	234
<u>Patton Avenue</u> - execution of quitclaim deed for property on Patton Avenue to David J. Young.	240
<u>Powers, Ms. Helen A.</u> - reappointment to Asheville-Buncombe Insurance Advisory Committee.	241

<u>Property</u> - dispose of surplus property authorized - house at North Fork Watershed	142
<u>Property</u> - dispose of surplus property authorized - 110 used tires from Motor Transport	142
<u>Petition</u> - residents of Montview Drive - opposition to planned development of Blue Ridge Mental Health.	143
<u>Public Works Department</u> - authorizing disposition of municipal records	146
<u>Parade</u> - (Porsche)- authorized closing of Haywood Street on July 29, 1981 from 8 p. m. to 12 midnight for this event.	147
<u>Proclamation</u> - Substance Abuse Prevention Awareness Month, August, 1981	154
<u>Policemen's Pension and Disability Fund</u> - Board of Examiners - James H. Parris, Jr., appointed to Board	158
<u>Parris, James H., Jr.</u> - appointed to the Board of Examiners of the Policemen's Pension and Disability Fund.	158
<u>Property</u> - authorizing Director of Finance to sell surplus property at public auction.	163
<u>Parks and Recreation</u> - authorizing director to sell fingerling trout from Bee Tree Lake Hatcheries	166
<u>Property</u> - authorizing Purchasing Director to sell surplus property from the Water and Sewer Department	168
<u>Parade</u> - announcement of Bele Chere Festival 1981 parade	168
<u>Planning and Zoning Commission</u> -appointment of William C. Frue, Mrs. Pauline Tennant, William O Moore, Cleatus B. Tate, and Steve Mitchell	169
<u>Proclamation</u> -"Hot Air Balloon Race Day" - Saturday, August 15, 1981	169
<u>Parking Lot Services</u> - contract with WNC Parking Lot Services, Inc. for cleaning of Civic Center Parking Garage	171
<u>Patla, Straus, Robinson and Moore, P. A.</u> - agreement for professional legal services related to various functional staff and operational service activities.	172
<u>Proclamation</u> - Women's Equality Day	173
<u>Property (Airport)</u> - leased to Asheville-Regional Airport Authority	185

<u>Proclamation -</u>	Marine Corps Week - November 8-14, 1981	298
<u>Proclamation -</u>	Family Week - November 22 - 28, 1981	298
<u>Proclamation -</u>	Youth Appreciation Week - Second Week in November, 1981	299
<u>Police Cadets -</u>	Recognition of these cadets	301
<u>Proclamation -</u>	Bible Week - November 22 - 29, 1982	311
<u>Price, Mrs. Norma T. -</u>	elected as Vice-Mayor	319
<u>Pest Control Bid -</u>	Discussion by John Harrison, Harrison Pest Control - Pest Control bid for City of Asheville.	326, 348
<u>Parks and Recreation Dept. -</u>	Director authorized to seek funding from the N. C. Youth Council Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.	327
<u>Proclamation -</u>	International Year of Disabled Persons - 1981 - Continue Programs	329
<u>Parks and Recreation -</u>	Recognition of John Hayes and Leslie Anderson for receiving an award from Governor Hunt for the Hillcrest Enrichment Program	331
<u>Petition -</u>	relative to increased traffic on Flint Street	331
<u>Parking -</u>	declaring certain holidays as free parking days for downtown Asheville	336
<u>Parks and Recreation -</u>	Director authorized to enter into agreement with Asheville Area Chamber of Commerce for participation in the 1982 Western North Carolina Golf Club.	337
<u>Proshia, Faran -</u>	claim against the city	338
<u>Policemen's Pension and Disability Fund -</u>	Councilwoman Mary Lloyd Frank appointed as a member of the Board of Trustees	338
<u>Parks and Recreation Director -</u>	authorized to secure consultant assistance for Memorial Stadium and Reid Memorial Recreation Center.	353
<u>Proclamation -</u>	Salute to Hospitalized Veterans Day - February 12, 1982	357
<u>Proclamation -</u>	Black Awareness and Black History Month	357
<u>Parks and Recreation -</u>	authorizing applications for enrichment grants for Reid Memorial, Hillcrest, Montford, and Stephens-Lee Recreation Centers.	377
<u>Proclamation -</u>	National Year of Disabled Persons - 1982	379
<u>Pressley, Chuck -</u>	Claim against the city	379

<u>Proclamation</u> - October 4-10, 1982 - Hire the Handicapped Week	242
<u>Proclamation</u> - October 5-11, 1981 - Productivity Improvement Week	242
<u>Productivity Improvement Week</u> - Proclamation for week of October 5-11, 1982.	242
<u>Property</u> - Motor Transport Superintendent authorized to dispose of 150 used tires by private sale.	252
<u>Parks and Recreation Director</u> - authorized to enter into agreement with the Buncombe County Council on Aging for transportation services for the elderly.	252
<u>Proclamation</u> - Alpha Delta Kappa - October 11-17, 1981	253
<u>Proclamation</u> - Credit Union Week - October 11 - 17, 1981	254
<u>Proclamation</u> - White Cane Safety Day - October 15, 1981	255
<u>Proclamation</u> - United Nations Day, October 15, 1981 - UNICEF Day, October 31,	255
<u>Pine Ridge Apartments</u> - approval of water service application	260
<u>Partin, Kenneth A. Development</u> - approval of water service application	260
<u>Police Department</u> - Bids for Body Armor for the Asheville Police Department	262,274
<u>Porter, Cedric</u> - claim against the city	269
<u>Proclamation</u> - Sisters of Mercy Week - October 18-24, 1981	269
<u>Sisters of Mercy Week</u> - Proclamation for week of October 18-24, 1981	269
<u>Patton, Hunter and Company</u> - awarded auditing contract ending June 30, 1982	270
<u>Proclamation</u> - 100th Anniversary - AFL-CIO	277
<u>Petition</u> - designation of alley from Spruce Street to Market Street to be renamed "Lawyer's Walk."	278
<u>Proclamation</u> - Dick Clark's American Bandstand Day - October 30, 1981	278
<u>Proclamation</u> - Farm City Week - October 25-31, 1981	278
<u>Petition</u> - re: staffing at the Livingston Street Day Care Center	285
<u>Price, Waterhouse & Company</u> - agreement for financial analysis of the Asheville Downtown Commercial Complex	298

<u>Paving Project, Downtown</u> - budget amendment - operating budget	420
<u>Parking Bays</u> - amendment to zoning ordinance - dimensional requirements amend size of bays to 8.5 x 18	426,437
<u>Policemen's Pension and Disability Fund</u> - appeal of Walter D. Gilchrist (decision of board of examiners)	428
<u>Personnel Advisory Commission</u> - establishment	433
<u>Proclamation</u> - "Cart Week" - April 1-6, 1982	434
<u>Proclamation</u> - National Boys Club Week - April 11-17, 1982	438

"P" (cont'd)

<u>Proclamation - Human Relations Month - February, 1982</u>	379
<u>Pack Memorial Library, Old - nomination as local historic property</u>	383 384
<u>Paving Enterprises, Inc. - contract for Kenilworth Park Parking Lot Paving and Walton Street Park Parking Lot Paving.</u>	387
<u>Parks, Kenilworth and Walton Street - contract for parking lot paving awarded to Paving Enterprises, Inc.</u>	
<u>Proclamation - National Music Week - May 2-9, 1982</u>	
<u>Parks and Recreation - budget amendment to reflect additional funding received to allow the continuation of the music enrichment program at Reid Center.</u>	391
<u>Proclamation - American Association of University Women Week - March 14-20, 1982</u>	393
<u>Policemen's Pension and Disability Fund - Appeal from Walter D. Gilchrist</u>	399
<u>Proclamation - National Nutrition Month - March, 1982</u>	399
<u>Parking Lot Lighting - contract awarded to M. B. Haynes Electric Corp.</u>	406
<u>Pack Square Project Milling - contract awarded to Lanford Brothers Company, Inc.</u>	406
<u>Padgett, Jack - claim against the city</u>	407
<u>Price, Graham - appointed as alternate to Zoning Board of Adjustment</u>	408
<u>Public Works Department - bids for one diesel powered tractor with mower system</u>	411
<u>Parking Bays - amendment to zoning ordinance amending size to 8.5' x 18'</u>	411
<u>Police Department - presentations - W. R. Buckner and R. R. Robinson - participation in the search of an abandoned mine shaft in Ashe County</u>	414
<u>Pack Square Project - contract with APAC-Carolina, Inc.</u>	414
<u>Performance Pay Increases -Budget amendment - city of asheville operating budget</u>	415
<u>Proclamation - Youth-in-Government Day - March 24, 1982</u>	417
<u>Pack Memorial Library Bldg.- Ralph Bishop - comments relative to</u>	417
<u>Policemen's Pension and Disability Board of Trustees - appeal hearing of Walter D. Gilchrist</u>	418
<u>Personnel Matter - Executive Session requested by Councilman Wilkes</u>	425

"Q"

Quality Forward - Presentation by this group - re: Spurgeon Carter 8
City employee

Quality Forward - Presentation relative to April Clean Up Month Program 350

<u>Recreational Use</u> - request of Helen Gray - opening of Bee Tree Lake for recreational use.	101
<u>Riverside Cemetery</u> - comments by Ralph Bishop re: establishing schedule of prices for graveside sites at Riverside Cemetery.	104
<u>Revenue Ordinance</u> - removing the dog license tax from ordinance and setting up tax on a calendar year basis	108
<u>Recreation Park</u> - lease agreement with Water Park Consultants for the operation of a water slide at Recreation Park	113
<u>Robinson, Patricia</u> - claim against the city	121
<u>Recreation Board</u> - reappointment of Mrs. Nancy Cory, Mr. William E. Pfeiffer and appointment of Mr. Henry Robinson	131
<u>Robinson, Henry</u> - appointed to Recreation Board	131
<u>Radio Units</u> - bids approved for 63 mobile radio units	132
<u>Recreation/Parks Fees and Charges</u> - Advisory Board to establish fees and charges for the Dept. upon approval of City Council	141
<u>Rector, William M.</u> - resolution of appreciation and commendation (retirement)	144
<u>Records, Municipal</u> - authorizing disposition of records in the Public Works Department.	146
<u>Reid Recreation Center</u> - budget amendment to appropriate funds to recognize the Reid Recreation Center Community Based Alternative Funding, Enrichment II Grant.	166
<u>Recreation/Parks</u> - authorizing director to sell fingerling trout from Bee Tree Lake Hatcheries.	166
<u>Reid, John</u> - appointment to Asheville Tree Commission	168
<u>Rhoades, Verne</u> - appointment to Asheville Tree Commission	168
<u>Riverside, East Renewal Project</u> - sale of disposal parcels 19, 47-48, 141, 158	171
<u>Robinson, Robert J.</u> - appointed to the Asheville-Buncombe Charter Commission	174
<u>Richmond Hill House</u> - designation as historic property	187, 192
<u>Rhinehardt, Carl</u> - claim against the city	188

"R"

<u>Refuse and Garbage</u> - amendment to Chapter 13 of the Code relative to this	2, 8
<u>Roberts Street</u> - rezoning property east of Roberts Street - third reading	3
<u>Records</u> - disposition of municipal records - Finance Dept.	5
<u>Riverside (East) - Renewal Area</u> - Sale of disposal parcels 8A, 33, 159	9
<u>Redevelopment Area (Civic)</u> - authorizing execution of deed for Disposal Parcel 1 in this area to the Allen Center, Inc.	10
<u>Ravenscroft Building</u> - designation of local historic properties	11,22, 23
<u>Richmond Hill</u> - designation of local historic properties	11,22
<u>Rardin, Mrs. Thomas E.</u> - appointed member of Asheville Revitalization and Economic Development Commission.	28
<u>Revitalization and Economic Development Commission</u> - appointment of Mrs. Thomas E. Rardin and Mr. Robert W. Baylor	28
<u>Riverside (East) Renewal Project</u> -approval of sale of disposal parcels 136 and 142	46
<u>Right-of-way Encroachment agreements</u> - authorizing execution of blanket agreement with N.C. Dept. of Transportation	47
<u>Revenue Sharing</u> -hearing re: General Revenue Sharing Fund use for 1981-82	47,53
<u>Ratcliff, R.Curtis</u> - letter included in minutes from this person - Buncombe County Commissioner re: water agreement	50
<u>Revitalization Commission</u> --revised contract with Six Associates for staffing services to the City and Asheville Revitalization and Economic Development Commission	67
<u>Riverside (East) Renewal Project</u> - sale of right-of-way parcels N. O, P, & R - Ash/So/McD	67
<u>Riverside Cemetery</u> - establishing standard schedule of prices for gravesites	80
<u>Rental Rates</u> - established for non-city government tenants of City Bldg.	80
<u>Ramp, City Hall Renovation Project</u> - agreement with Sutton-Kennerly, Assoc. for engineering services for this project.	82
<u>Rogers, Mrs. Roy</u> - comments re: changing Tolula Lane to Old Asheville Ave.	95,111

Ramp - Construction on City Hall Ramp

379

Repositories for ashes of human remains - amendment to zoning ordinance 387, 402
to allow for this - ancillary use to churches.

Reid Center -budget amendment to reflect additional funding received to allow 391
the continuation of the music enrichment program at Reid Center.

Rhoades Estate - authorizing execution of easement documents between Carolina 397
Power and Light Company and the Rhoades Estates -

Reed Creek Sewer Line - authorizing Mayor to execute necessary documents for a 404
grant in the amount of \$98,000 through N. C. Clean Water Bond Act.

Revitalization Fund - Budget Amendment for Asheville-Buncombe Revitalization Fund 404

Renfro, Brigadier General Walter J. - appointed as member of Asheville Transit 407
Authority

Respositories - amendment to zoning ordinance to permit repositories for ashes for 410
human remains as an ancillary use to churches.

Retirement System - agreement with NCLGERS to provide certain benefits 410
(provide eligible members of Classified Service to purchase and/or receive credit
for out-of-state service and repayment for previously withdrawn account from
LGERS)

Robinson, R. R. - presentation - Police Department - participation in the search 414
of an abandoned mine shaft in Ashe County

Recreation - lease agreement with Asheville Catholic Community School - athletic 416
field and playground

Revitalization Fund, Asheville-Buncombe - budget amendment - operating budget - 420
A-B Revitalization Fund and General Capital Project Fund

Right-of-way - documents necessary for construction of two box culverts on N. Bear 430
Creek Road.

Revenue Sharing- budget amendment - asheville transit authority - purchase of 432
school buses

Reed Creek Sewer Line Improvements - budget amendment 437

"R" (cont'd)

<u>Revitalization and Economic Development Commission</u> - appointment of Thomas F. Dabney Mrs. Robert N. Bailey, Mr. Walter St. G. Gladding, and Leon Rocamora	188
<u>Rocamora, Leon</u> - appointed to Revitalization and Economic Development Commission	188
<u>Reed Creek</u> - budget appropriations - sewer line on Weaver Blvd/Reed Creek	189
<u>Redevelopment Bonds</u> - in connection with Asheville Downtown Commercial Complex and Strouse-Greenberg proposal.	195,198 211-226
<u>Redevelopment Plan</u> - in connection with Asheville Downtwon Commercial Complex	203,
<u>Refuse Collection Equipment</u> - Bids for this - Public Works Department	193, 206,210
<u>Riverside, East Renewal Project</u> - sale of disposal parcels 39, 178-B	227
<u>Rules and Procedures (Asheville City Council)</u> - amendment to same relative to appeals - settlements - use of corporate counsel	230
<u>Reed Creek Sewer Line</u> - application for State Water Bond Funds	233
<u>Redevelopment Plan</u> - Public hearing for the redevelopment plan for the Asheville Downtown Commercial Complex.	237
<u>River Ridge Shopping Mall</u> - hearing scheduled for site plan of this group development	253 282
<u>Rickman, Melissa</u> - claim against the city	254
<u>Redmon, Grover</u> - request of Richard C. Nailling and Grover Redmon to relocate two abandoned graves located on their property in the Kenilworth Area	276
<u>Reid Recreation Center</u> - discussion of a professional services contract	347
<u>Reid Memorial Recreation Center</u> - Director of Parks and Recreation authorized to secure consultant assistance for Memorial Stadium and Reid Memorial Center.	353
<u>Robinson, Mattie</u> -resolution of appreciation and commendation	368
<u>Rustin, Azalee</u> - resolution of appreciation and commendation	368
<u>Recreation Centers</u> - Director of Parks and Recreation authorized to apply for enrichment grants for Reid Memorial, Hillcrest, Montford, and Stephens-Lee Recreation Centers.	377
<u>Right-of-Way Documents</u> - execution of documents necessary for replacement of Fairview Road Bridge.	378

<u>Sears Contract Sales</u> - awarded bid for North Fork Reservoir - East Boundary Fence Line.	69
<u>South Buncombe Interceptor Sewer</u> - easement executed in favor of MSD	69
<u>Sales Tax Revenues</u> - Resolution supporting additional sales tax revenue	71
<u>Sanitation Set-Out Fees</u> - authorization for increase	80
<u>Street</u> - authorizing the name "Angus Lane" to an unnamed street intersects Marlborough Dr. and parallels East Hawthorne	81
<u>Street</u> - authorizing Vanderbilt Apartments to encroach upon the right of way of the sidewalk at 75 Haywood Street.	82
<u>Sutton-Kennerly, Associates</u> - agreement for engineering services for the City Hall Ramp Renovation Project	82
<u>Street</u> - Closing of Alclaire Court for "4th of July" Neighborhood Block Party.	98
<u>Simmons, Bertha</u> - claim against the city	101
<u>Schumacher - Sister Mary Veronica</u> - resolution of appreciation for service as a member of Civil Service Board	105
<u>Schools Optional Program</u> - requesting that the Allen Center Board authorize the continuities of the Allen Center Facilities for the Asheville City Schools Optional Program.	112
<u>Sewerage Collection</u> - responsibilities of MSD under the 208 Area-Wide Water Quality Management Plan with respect to sewerage collector and interceptor lines.	120
<u>Sign Permit</u> - approval of sign permit for Autohaus of Asheville for Kenilworth Knoll	120
<u>Simmons, L. B.</u> - reappointed member of Board of Motion Picture Operators Examiners.	121
<u>Sherman, Gary</u> - claim against the city	121
<u>Speed Regulations</u> - changing speed limit from Cross-town Expressway to Hill St from 45mph to 50 mph as requested by State	128
<u>Smith, Eugene B.</u> - resolution of appreciation and commendation (retirement)	137

<u>Street</u> - closing of alley adjoining Boyd Avenue	2
<u>Sewer Line</u> - easement with Asheville Federal Savings & Loan for maintaining new sewer line at corner of Louisiana Avenue and Patton Avenue.	5
<u>Street</u> - Closing of Elmwood, Jackson Avenue and Sharon Road	9, 53
<u>Sharon Road</u> - closing of this street (portion of)	9, 53
<u>Speed Regulations</u> - ordinance amending Section 28-81.6 and Section 28.81.7 of the Code re: changing road numbers to conform with state road numbers.	10
<u>Smith-McDowell House</u> - designation as local historic property	11, 22, 24
<u>Secretaries Week</u> - Proclamation for week of April 19-25, 1981	11
<u>Sweeten Creek Road area</u> - annexation of this area into city limits	16-17, 30-44
<u>Streets</u> - closing of all of Short Granada and Wellington Streets and portion of Cordova Street, Granada Street, Granada Circle, Parkway Drive and Swannanoa Drive.	21
<u>Swannanoa Drive</u> - closing of a portion of this street.	21
<u>Sardis Road 8" Water line</u> - contract for this project with Huntley Construction Company	26
<u>Street Division</u> - Bids approved for SDR-35 PVC Pipe	27
<u>Senior Citizens Day</u> - May 12, 1981 - Proclamation	28
<u>Senior Center Week</u> - May 10-15, 1981 - Proclamation	28
<u>Street</u> - Changing name of Tolula Lane to Old Asheland Avenue	45, 75, 95
<u>Sidewalks</u> - comments by Andrea Austin re: sidewalks downtown	49
<u>Six Associates, Inc.</u> - revised contract for staffing services to the City and the Asheville Revitalization and Economic Commission.	67
<u>Sewer Line Extension Project, Haywood Road 10"</u> - contract awarded to Harrison Construction Company.	146

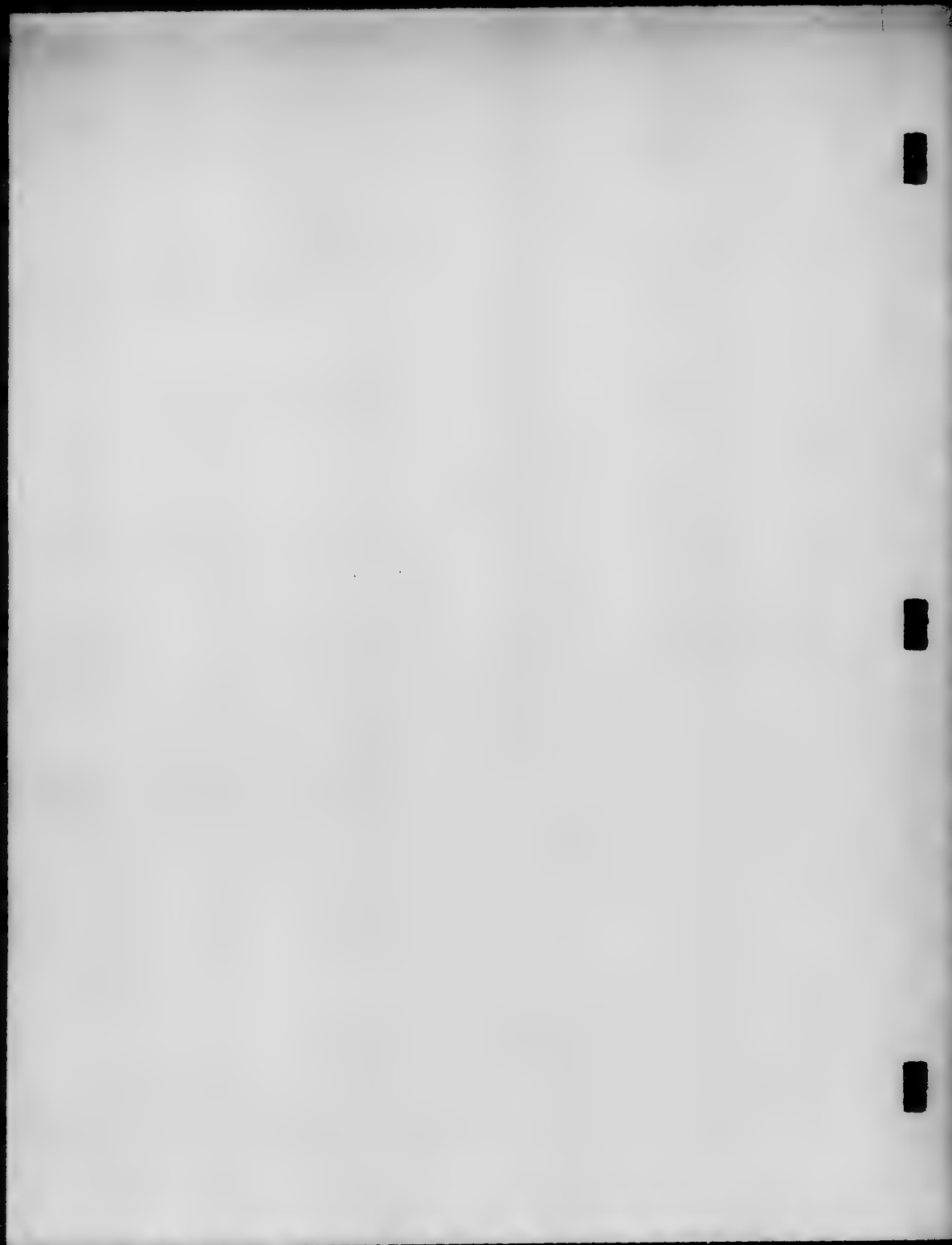
<u>Strouse-Greenberg Company - Asheville Downtown Commercial Complex -</u>	195, 196, 198
orders authorizing parking facilities bonds and redevelopment bonds	202, 203
in connection with this project.	211-226
<u>Sign Permits - Naegele Outdoor Advertising Company - signs on I-240 -</u>	199,
<u>Street - Pinespring Drive (Haw Creek) accepted as a city system street</u>	201
<u>Street - authorized closing of Woodlev Avenue on Saturday, September 19, 1981</u>	201
for Neighborhood Party	
<u>Smith, George W. - quitclaim deed given to this person by City of Asheville</u>	204
<u>Sugartree Development - discussion; page 211 - hearing on group development</u>	356
<u>Strouse-Greenberg Company - Asheville Downtown Commercial Complex -</u>	232
public hearing held on Urban Development Action Grants - application	244
submitted by above.	
<u>State Water Bond Funds - application for funds for Reed Creek Sewer</u>	233
	234
<u>Snow and Ice Control - Bids accepted for bulk sodium chloride for Public</u>	
Works Department.	
<u>Sign Permits - approved for Naegele Outdoor Advertising Company for</u>	234
signs on U. S. Highway 270.	
<u>Sloan, Victor - claim against the city</u>	234
<u>St. Genevies/Gibbons Hall School - letters relative to billboards in</u>	241
open-cut (I-240) from 6th graders.	
	243
<u>Sign Permits - Naegele Outdoor Advertising Company - Signs on US Highway 74 and I-240</u>	
approved -	
<u>"Sugartree Apartment Complex" - hearing scheduled for this group development complex</u>	244, 289
	308, 372,
<u>Sign Permit - approved for David West at 29 Montford Avenue (political sign)</u>	249
<u>Strouse-Greenberg Company - Memorandum of Understanding with this company for</u>	249
Asheville Downtown Commercial Complex.	
<u>Sewer Line - Deed of Easement executed for purpose of constructing sewer line on</u>	251
Forestdale Drive	
<u>Sewer Line - Right-of-way agreement executed with Southern Railway Company for 8"</u>	252
Sewer pipe line on Emma Road.	

"S" (cont'd)

<u>Skyland Volunteer Fire Department, Inc. - agreement to furnish fire protection services in the Airport Annexation Area</u>	142
<u>Street - authorized to close Haywood Street on July 29, 1981 from 8 p. m. to 12 midnight for Porsche Parade.</u>	147
<u>Substance Abuse Prevention Awareness Month - Proclamation for month of August, 1981</u>	154
<u>Street and Highway Responsibilities - supplemental agreement for street and highway responsibilities with N. C. Dept. of Transportation.</u>	155
<u>Smith Bridge Twenty-four Inch Water Line - contract awarded to Hobson Construction Company</u>	157
<u>School Crossing Guards - provided new red stop signs</u>	163
<u>Stop Signs - new red stop signs to be used by School Crossing Guards</u>	163
<u>Sign Regulations - exempt during Bele Chere Festival of 1981</u>	163
<u>South Asheville Cemetery - quitclaim deed executed to South Asheville Cemetery Association.</u>	164
<u>Shamey, Tammy - claim against the city</u>	169
<u>St. Mary's Church - permission to close Charlotte Street on Saturday, September 12, 1981 for 20th Annual Sidewalk Sale.</u>	173
<u>Street - Charlotte Street authorized to be closed for St. Mary's Church 20th Annual Sidewalk Sale.</u>	173
<u>Sherman, Dr. Cecil E. - appointed to the Asheville-Buncombe Charter Commission</u>	174
<u>Strouse-Greenberg Project - Asheville Downtown Commercial Complex - resolution making certain findings to the use of a proposed general obligation bond issue, authorizing the filing of an application with the N. C. Local Government Commission and designating the authorized representative to the City to file the application and to employ bond counsel.</u>	175
<u>Sewer Line - deed of easement executed between the City of Asheville, the Asheville Regional Airport Authority, the Metropolitan Sewerage District for a sewer line at the Asheville Airport.</u>	185
<u>Sewer Line - budget appropriations - sewer line on Weaver Blvd. - Reed Creek</u>	189

<u>Sherlin, John - claim against the city</u>	329
<u>Solar Homes, Governor's Showcase - invitation by Mark Friedrich to members of Council for this event.</u>	330
<u>Snow Plows - Bids for eight snow plow blades, frame and hoist units - Street Division</u>	335
<u>Street Division - Bids for eight snow plow blades, frame and hoist units</u>	335
<u>Street - acceptance of Kenilworth Knoll as a city-system street</u>	336
<u>Sunrise Manor - group development for this complex</u>	338
<u>Smith, W. Michael - Announcement of Resignation</u>	347
<u>Short, John J. - lease agreement for City Hall Snack Shop</u>	352
<u>Shangri-La - approval of final subdivision plat</u>	353
<u>Sunrise Service (Easter) - Request of Councilman Pless - consideration be given to churches sponsoring Easter Sunrise Service.</u>	378
<u>Smith, Gloria - claim against the city</u>	379
<u>S & W Cafeteria, Old - nomination as local historic property</u>	383 384
<u>Speed Regulations - deleting the 20 mph speed regulation on Southside Avenue from Coxie Avenue to Biltmore Avenue.</u>	386
<u>Southside Avenue- speed limit of 20 mph deleted from Coxie Avenue to Biltmore Ave.</u>	386
<u>Sweeney, J. - Auto Leasing - claim against the city</u>	389
<u>Swepson, Anthony - claim against the city</u>	389
<u>Sewer Line (Encroachment Agreement) - right-of-way encroachment agreement with Great Smokies Hotel Association for the construction of a sewer line and appurtenances on their property.</u>	391
<u>Sewer Line -Reed Creek - Mayor authorized to execute necessary documents for a grant for this project through N. C. Clean Water Bond Act of 1977.</u>	404
<u>Sluder, Clinton - claim against the city</u>	407
<u>Seamstress Shops - permitted in R-4 Residential District zone</u>	411
<u>Spurrier, Martha - claim against the city</u>	412
<u>Sheffard, Deborah - claim against the city</u>	412

<u>Southern Railway Company</u> - execution of right-of-way agreement for an 8" sewer line on Emma Road.	252
<u>Seventh Floor Window Replacement Project, City Hall Building</u> - contract awarded to Buncombe Construction Company	252
<u>Street, (Walnut Street)</u> - authorized to be closed on Saturday, October 10, 1981	253
<u>Site Plan - River Ridge Shopping Mall</u> - Hearing Scheduled for same	253, 282
<u>Save Downtown Asheville, Inc.</u> - Wayne Caldwell, Chairman of this group, requested documents relating to the Asheville Downtown Commercial Complex.	254
<u>Sadat, Anwar</u> - Announcement of memorial services for Anwar Sadat of Egypt	255
<u>Site plan</u> -for apartment complex to be located on Nantahala Street	268, 302
<u>Site plan</u> - for "Bi-Lo Shopping Center" to be located on Leicester Highway	268,301
<u>Sewer Line</u> - deed of easement for purpose of construction of sewer line on Forestdale Drive with Frank N. Jamison and wife, Martha C. Jamison.	269
<u>Speed Limits</u> - for trains changed from 15 mph to 20 mph	271
<u>Spruce Street to Market Street</u> - Petition for designation of alley from Spruce Street to Market Street to be renamed "Lawyer's Walk."	278
<u>Sales, Philip N.</u> - resolution in memory of	286
<u>Strouse-Greenberg Proposal</u> - certification of results of bond referendum relative to this proposal for Asheville Downtown Commercial Complex.	294-297
<u>Smith Alley</u> -renamed to "Lawyer's Walk"	297
<u>Sewer Line Project</u> - contract awarded to Terry Brothers Construction Company, Inc. for Forestdale 8-inch sewer line.	297
<u>Strouse-Greenberg Proposal</u> -agreement with Price, Waterhouse & Company for financial analysis of the Asheville Downtown Commercial Complex	298
<u>Short, John</u> - claim against the city	298
<u>Strouse-Greenberg Company</u> - discussion re: memorandum of understanding	299
<u>Styles, Ruby</u> -claim against the city	306
<u>Smith, Mary</u> - claim against the city	311
<u>Soap Box Derby</u> - Resolution in support of this event	323



"S" cont'd

<u>Sales tax - one cent -</u> requesting senate approval and ratification of House Bill Number 839	416
<u>Shytie, Shannon -</u> claim against the city	416
<u>Speed Regulations -</u> in school districts	418
<u>School Speed Zones-</u> established	418
<u>Sign Permit -</u> 29 Montford Avenue - Art	422
<u>Street Closing -</u> Report relative to Caledonia Road Closing	423
<u>Students, foreign exchange -</u> commending Asheville High School on participation	426
<u>Seamstress Shops -</u> amending zoning ordinance to include in R-4 Residential Dist.	427
<u>Speed Regulations -</u> in school districts	429
<u>School Buses -</u> budget amendment - revenue sharing - asheville transit authority - purchase of school buses.	432
<u>Sciara, Ms. Diane McDonald -</u> appointment to Metropolitan Sewerage District Brd.	432
<u>Gales Tax -</u> requesting senate approval and ratification - House Bill No. 839 - additional one-cent sales tax	434
<u>Sewer Line Improvements -</u> budget amendment for Reed Creek Sewer Line	437
<u>Sanitation Division -</u> bids - industrial type rubber tired tractor	438

<u>Transportation Center (Regional)</u> - appropriate \$25,000 for the planning work necessary for a Regional Transportation Center.	170
<u>Thompson, James</u> - claim against the city	173
<u>Tennis Team, Asheville Junior</u> - resolution of commendation	174
<u>Tennis Courts</u> - bids approved for asphalt tennis courts at Kenilworth Park and Aston Park.	187
<u>Tree Plan</u> - adoption of the tree plan for the City of Asheville	239
<u>Turner, Mrs. Shirley</u> - appointment of the Air Pollution Board	241
<u>Tires (Used)</u> - Motor Transport Superintendent authorized to dispose of 150 used tires, by private sale.	252
<u>Transportation Services for elderly</u> - agreement with Buncombe County Council on Aging for transportation services for the elderly.	252
<u>Trains</u> - speed limit changed from 15 mph to 20 mph	271
<u>Trantham, Mayor Roy</u> - nomination for office of Third Vice President of the North Carolina League of Municipalities.	287
<u>Terry Brothers Construction Company, Inc.</u> - awarded contract for Forestdale 8" Sewer Line Project	297
<u>Transportation, Urban Mass</u> - contract with U. S. Dept. of Transportation for grant under the Urban Mass Transportation Act of 1964 for Asheville Urban Unified Work Program.	306
<u>Transportation, N. C. Dept. of</u> - contract for Asheville Urban Unified Work Program Grant of 1981-82.	306
<u>Talbert, Harold</u> - claim against the city	311
<u>Trantham, Mayor Roy M.</u> - elected as Mayor	319
<u>Turner, Robert E.</u> - Asheville-Buncombe Water Authority request for expenditure of funds - Robert E. Turner as consultant.	323
<u>Traffic</u> - petition relative to increased traffic on Flint Street	331, 346
<u>Trucks</u> - Bids on three diesel powered dump trucks	333
<u>Trucks</u> - Bids on light trucks	333, 346
<u>Tires</u> - Motor Transport Superintendent authorized to dispose of 100 used tires by private sale.	337

<u>Transportation Center</u> - contract with Carter/Goble Associates for professional consulting services related to the proposed regional transportation center in downtown Asheville.	4 ,112
<u>Tolula Lane</u> - changing name of street to Old Asheland Avenue	45, 75 95, 111
<u>Trees</u> - Councilman Wilkes requested trees be trimmed at Asheland and Phifer Street	70
<u>Tax Revenues</u> -resolution supporting legislation dealing with additional sales tax revenue	71
<u>Tenants</u> - establishing rental rates for non-city governmental tenants of the City Bldg.	80
<u>Temple Avenue</u> - rezoning property at 8 Temple Avenue for Mr. John C. Davies	99, 127,141 145
<u>Tax</u> - removing the dog license tax from the Revenue Ordinance and setting up on calendar year basis.	108
<u>Thompson, Mrs. Carolyn</u> - reappointed member of Civic Center Commission	121
<u>Tires</u> - authorized to dispose of 110 used tires from Motor Transport	142
<u>Turley, Harris</u> -claim against the city	152
<u>Transit Authority</u> - budget amendment for grant funds for 10 new buses	157
<u>Transportation Center</u> - budget amendment to appropriate state grant funds of \$25,000 for planning work necessary for a Regional Transportation Center.	157
<u>Transit Authority</u> - bids for ten new transit coaches for Transit Authority	157
<u>Trout</u> - authorizing director of parks and recreation to sell fingerling trout from Bee Tree Lake Hatcheries.	166
<u>Tree Commission, Asheville</u> - appointment of John Reid, Verne Rhoades and Susan Mayer.	168
<u>Tennant, Mrs. Pauline</u> - appointed to Planning and Zoning Commission	169
<u>Tate, Cleatus B.</u> - appointed to Planning and Zoning Commission	169
<u>Thompson-Gordon-Shook Engineers</u> - agreement for engineering services - bridge replacement/rehabilitate	169

"T"

<u>Tires</u> - authorizing Director of Motor Transport to dispose of 100 used tires by private sale.	356
<u>Transit Authority</u> - resolution of appreciation to Arthur E. Eve, Jr. as Chairman of the Asheville Transit Authority.	387
<u>Trulove, Joe</u> - lawsuit against the city	389
<u>Tolley, Ethel</u> - claim against the city	389
<u>Transit Authority</u> - hearing relative to grant application with the Urban Mass Transportation Administration - operating assistance funds for Asheville Transit Authority.	401
<u>Transit Authority</u> - appointment of Brigadier General Walter J. Renfro	407
<u>Talbert, Harold</u> - appointment to Zoning Board of Adjustment = alternate member	408
<u>Transit</u> - contract change order - ten transit coaches	411
<u>Tailor shops</u> - permitted use in R-4 Residential District zone	411, 427
<u>Tax, One-Cent Sales</u> - requesting Senate Approval and ratification of House Bill Number 839	416, 434
<u>Transit Vehicles</u> - purchase of these from U. S. Department of Transportation	429
<u>Transit Authority</u> - budget amendment - revenue sharing - purchase of school buses	432
<u>Trantham, Mayor Roy</u> - comments by Ralph Bishop	435
<u>Tractor, Industrial type rubber tired</u> - Bids - Sanitation Division	438
<u>Thoms Broadcasting Companies</u> - request for rate increase - cablevision	438
<u>Thum, George</u> - claim against the city	439

"U"

<u>Urban Mass Transportation Act -</u> authorizing filing of application for a technical study grant to implement specific items of the 1981-82 Asheville Urban Area Unified Work Program	167
<u>UDAG Needs Assessment Hearing -</u> in connection with Asheville Downtown Commercial Complex - Strouse-Greenberg Company proposal.	202
<u>Urban Development Action Grants -</u> public hearing re: application submitted by Strouse-Greenberg for Asheville Downtown Commercial Complex.	232
<u>Utility Right-of-Way-</u> quit claim deed of utility right of way executed for Mark A. Carlson for plat book 38 at page 20.	235
<u>Urban Development Action Grant Application -</u> public hearing held relative to this operating assistance funds	244, 307
<u>United Nations Day -</u> Proclamation for October 15, 1981	255
<u>UNICEF Day -</u> Proclamation for October 31, 1981	255
<u>UMTA -</u> hearing on operating assistance grant from Urban Mass Transportation Act	298
<u>U. S. Dept. of Transportation -</u> contract with this agency for a grant under the Urban Mass Transportation Act of 1964 for Asheville Unified Work Program	306
<u>Uniform Service and Rental -</u> bids for two-year contract for this service	378
<u>UDAG Program -</u> authorizing amendment to the Asheville HUD-UDAG Program to provide funding in support of the YMI Cultural Center Project-	397
<u>Urban Mass Transportation Administration -</u> public hearing relative to operating assistance funds for Asheville Transit Authority.	401

"v"

<u>Vanderbilt Apartments</u> - authorizing Vanderbilt Apartments to encroach upon the right of way of the sidewalk at 75 Haywood Street	82
<u>Valley Street - Operations Complex</u> - Budget Amendment - Annual operating budget	96
<u>Valley Street (151)</u> - rental agreement with N. C. Department of Transportation	153
<u>Veterans Administration Hospital</u> - authorizing extension of 30 days on fire protection agreement.	233
<u>Veterans Administration Hospital</u> - contract for fire protection services executed	275
<u>Veterans Day, Hospitalized</u> - Proclamation for February 12, 1982	357
<u>Voters Rights Act of 1965</u> - resolution supporting	398

<u>Water Quality Management Plan - resolution concerning responsibilities of MSD under the 208 Area-Wide Water Quality Management Plan with respect to Sewerage Collector and Interceptor Lines.</u>	120
<u>Water and Sewer Dept. - bids approved for one forklift</u>	132
<u>Warren Brothers Company - awarded contract for 1981-82 Paving Program</u>	132
<u>Watkins, Mrs. Ernest - claim against the city</u>	133
<u>Water and Sewer Operating Budget Amendment - funding for completion of Valley Street Water Maintenance Complex</u>	141
<u>Watershed (North Fork) - House- authorized to dispose of (surplus property)</u>	142
<u>Water Maintenance Complex Improvements - awarding of contracts for the project</u>	145
<u>Wright, Frank E. - resolution of appreciation and commendation (retirement)</u>	148
<u>Witten, Dr. E.R.S. - rental agreement for office space in city building</u>	152
<u>Western North Carolina Development Association - rental agreement for office space in city building</u>	152
<u>Water Line Project - Smith Bridge Twenty-four Inch - contract awarded to Hobson Construction Company.</u>	157
<u>Water Line - Brevard Road - Budget amendment to provide funding for water line extension to the Champion Maintenance and Supply Company plant site.</u>	162
<u>Water and Sewer Maintenance and Construction Division - Purchasing Director authorized to sell surplus property - cast iron, copper, brass and galvanized pipe fittings, broken fire hydrants, scrap equipment and automotive parts.</u>	168
<u>Water Treatment - bids awarded for dry zinc polyphosphate</u>	168
<u>Walters, Dan - claim against the city</u>	169
<u>Worley, Grace - claim against the city</u>	169
<u>Whitmire, Brenda - claim against the city</u>	169
<u>Warner, Fred - claim against the city</u>	169
<u>WNC Parking Lot Services, Inc. - contract awarded for cleaning of Civic Center Parking Garage</u>	171

<u>Williamsburg Oaks</u> - apartment complex known as Williamsburg Oaks on Overbrook Drive - group development	20
<u>Wellington Street</u> - Closing of all of this street	21
<u>Water Line</u> - contract with Huntley Construction Company for project known as Sardis Road 8" Water Line	26
<u>Water Line</u> - contract with Huntley Construction Company for project known as W. T. Weaver Boulevard 10" and 8" water line.	27
<u>W. T. Weaver Boulevard 10" and 8" Water Line</u> - contract awarded to Huntley Construction Company for this project	27
<u>Wilson, William</u> - claim against the City	28
<u>Wood, Patricia</u> - claim against the city	45
<u>Water Agreement</u> - letter from R. Curtis Ratcliff, Buncombe County Commissioner re: water agreement	50
<u>Water and Sewer Department</u> - bids accepted for three-inch diaphragm pumps	69
<u>Water and Sewer Department</u> - bids accepted on two air-powered underground piercing tools.	70
<u>Wilkes, Councilman</u> - requested trees trimmed at Asheland and Phifer	70
<u>Water Rates and Charges</u> - revisions to rates - increases	75, 87, 106, 118
<u>Wood and Cort, P. A.</u> - contract for design and construction architectural services for Seventh Floor Window Replacement City Hall Building Project.	98
<u>Window Replacement City Hall Building Project (Seventh Floor)</u> - contract with Wood and Cort, P. A. for design and construction of said project	98
<u>Water Department</u> - bids approved for meter box covers, rims and lids	100
<u>Water Department</u> - bids approved for "estimated annual requirement for 5/8" and 1" Water Meters.	100
<u>Woodrow and Mount Clare Avenue</u> - rezoning property on this street	110, 137
<u>Water Park Consultants</u> - agreement with Water Park Consultants for the operation of a water slide at Recreation Park.	113
<u>Winslow, Peter</u> - presentation of petition to rezone Kenilworth area	115

<u>Water Agreement</u> - discussion relative to the signing of the City/County Water Agreement.	256
<u>Water Service Applications</u> - approval of applications for water service for Lynx Condominium Project - Mark A. Carlson Development - Kenneth A. Partin Development - Pine Ridge Apartments	260
<u>Water Agreement</u> - intent of City Council to sign City/County Water Agreement discussion	260
<u>Water Consumption Expansion Control Policy</u> - establishment of	261, 273
<u>Water Agreement</u> - execution of same with City/County	272
<u>Water Agreement - City/County</u> - comments by Dick Covington -re: same	277
<u>Water Agreement</u> - comments by Ralph Bishop	286
<u>Water Meters</u> - bids awarded for Compound Water Meters	297
<u>Ward, Viola McKinney</u> - lawsuit filed against the city	298
<u>Water Drought Conditions</u> - discussion relative to action to be taken	299
<u>Water Drought Conditions</u> - ordinance revising regulations of water use during drought or emergency conditions.	304 309,
<u>Water Authority (Asheville-Buncombe)</u> - appointment of Ralph D. Morris, Jr., Wilhelmenia Bratton, and Charles Mills.	305
<u>Water Department Employees</u> - claim against the city	306
<u>Water and Sewer Department</u> - Bids for 100 fire hydrants	322
<u>Water Authority, Asheville-Buncombe</u> - request for expenditure of funds - Robert E. Turner as consultant.	323
<u>Water Agreement</u> - Budget Amendment in the amount of \$80,400 to reflect budget affects of Water Agreement.	327
<u>Wolcott, William F., Jr.</u> - temporarily appointed Director of Administration	347
<u>Water Authority</u> - meeting with Buncombe County Commissioners and City Council re: water source and engineering firm.	347
<u>West Asheville Merchants Association</u> - agreement for bus stop pads and benches at Patton Avenue and Louisiana Avenue and Patton Avenue and Florida Avenue	354

<u>Women's Equality Day - Proclamation for August 26, 1981</u>	173
<u>Winner, Mrs. Linda - appointed member of Asheville-Buncombe Charter Commission</u>	174
<u>Webster, Mr. Joe - appointed member of Asheville-Buncombe Charter Commission</u>	174
<u>World's Fair Promotion Fund (1982) - budget amendment for this</u>	185
<u>Water Treatment Chemicals - bids awarded for this</u>	188
<u>Weaver Blvd. - budget appropriations - Sewer Line on Weaver Blvd./Reed Creek</u>	189
<u>Watts, Herbert J., Officer - report by Corporation Counsel</u>	191
<u>Water Line Encroachment Agreement - with N. C. Dept. of Transportation for line on Holcombe Cove Road</u>	201
<u>Woodley Avenue - authorized to be closed on Saturday, September 19, 1981 for Neighborhood Party.</u>	201
<u>Wright, Hillard - claim against the city</u>	204
<u>Westwood Place - petition from residents of Millbrook Road and Westwood Place - nuisance and health hazard created by dogs at 183 Westwood Place and 104 Tremont.</u>	230
<u>Water Bond Funds - application authorized for state funds for Reed Creek Sewer Line.</u>	233
<u>Western North Carolina Regional Air Pollution Board - of Mrs. Shirley Turner</u>	appointment 241
<u>West, David - sign permit approved for this person at 29 Montford Avenue (Political Sign)</u>	249
<u>Water Permits - resolution pertaining to establishing policy on issuing permits for water</u>	249
<u>Water Use - revision of regulations of water use during drought or emergency conditions.</u>	250 261
<u>Window Replacement Project, Seventh Floor City Hall Building - contract awarded to Buncombe Construction Company</u>	252
<u>Walnut Street - authorized to close between Broadway and N. Lexington on Saturday October 10, 1981.</u>	253
<u>White Cane Safety Day - Proclamation for October 15, 1981</u>	255

"W"

<u>Western North Carolina Energy Fair -</u>	Invitation to all members of Council	357
<u>Wilkes, Councilman H. C. -</u>	report by Marvin Chambers on Wilkes' condition	359
<u>Woodfin Street and Market Street -</u>	Municipal Agreement with N.C. DOT relative to U. S. 25 Ramp	386
<u>Walton Street Park Parking Lot Paving -</u>	contract awarded to Paving Enterprises, Inc.	387
<u>World's Fair -</u>	amendment to zoning ordinance to allow for overnight accommodations in single family dwellings for three (3) nights during World's Fair - request of Be and Breakfast of Asheville.	388 395 403
<u>Whitener, Mildred Claim -</u>	consent judgement on behalf of the City of Asheville	393
<u>World's Fair -</u>	encouraging visitors and guests to visit Asheville after attending World's Fair.	398
<u>Water Authority, Asheville-Buncombe -</u>	approving plans for an additional resource development plan.	403
<u>Water and Sewer Capital Construction Fund -</u>	budget amendment in the amount of \$5,000 as the City's share for the construction of a pump station for the Tiny Farms Area/New West Buncombe Elementary School	405
<u>Webster, Mr. Richard -</u>	appointment to Zoning Board of Adjustment - alternate member	408
<u>Wheeler, Billy Edd -</u>	official ceremony to honor Billy Edd Wheeler for his new song "Asheville"	409
<u>Western Carolina Emergency Medicine -</u>	agreement with City to provide attending physician services to city infirmary.	412
<u>Western Carolina Emergency Medicine, P.A. -</u>	agreement to provide attending physician services to the City Infirmary	415
<u>Wilson, Jack -</u>	claim against the city	416
<u>Worker's Compensation Program -</u>	contract awarded to Gallagher/Bassett for claims administration service	420
<u>Wilkes, Councilman -</u>	request for executive session - unresolved personnel matter	425
<u>Wrestling Matches -</u>	letter from Asheville Civic Center re: wrestling matches	439

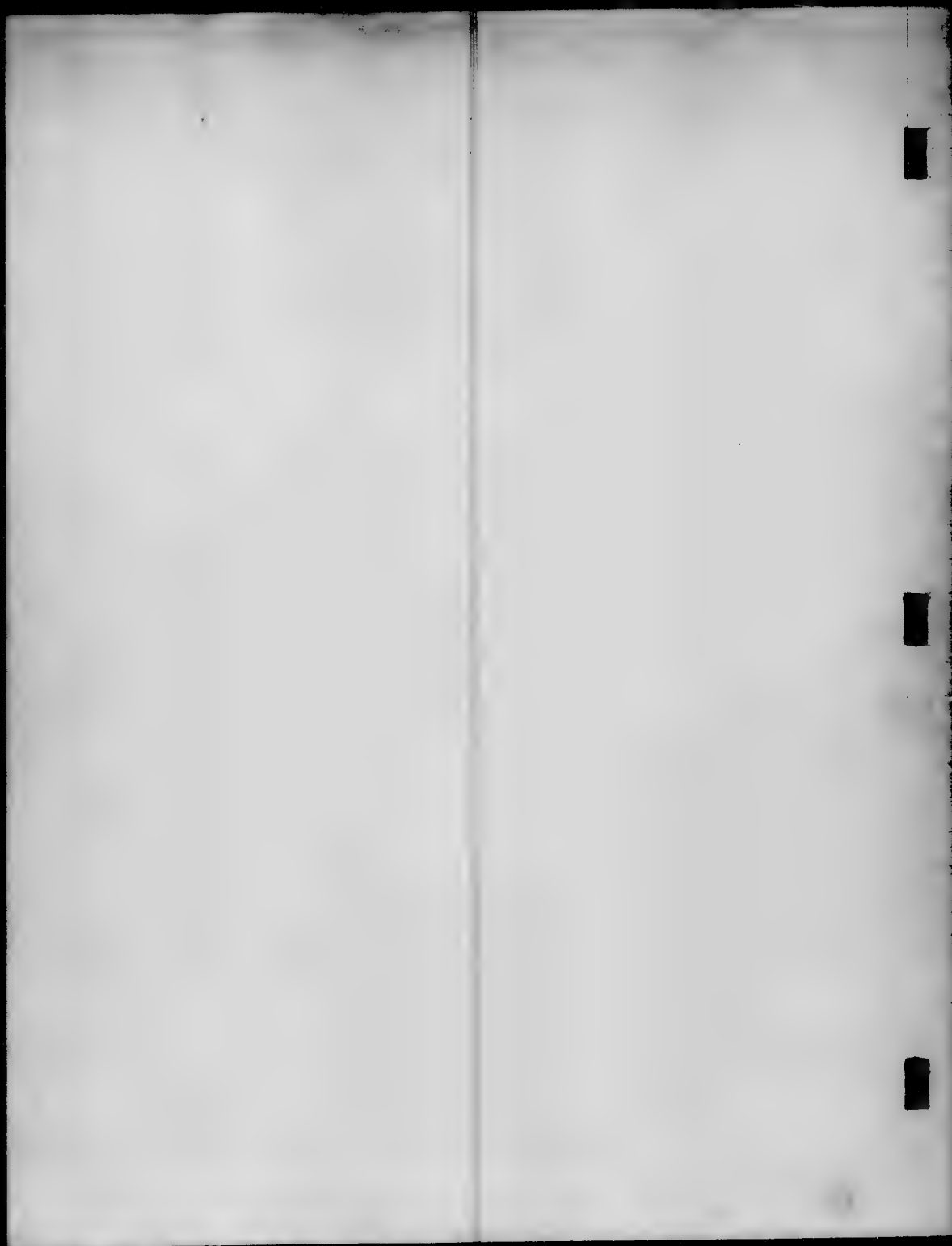


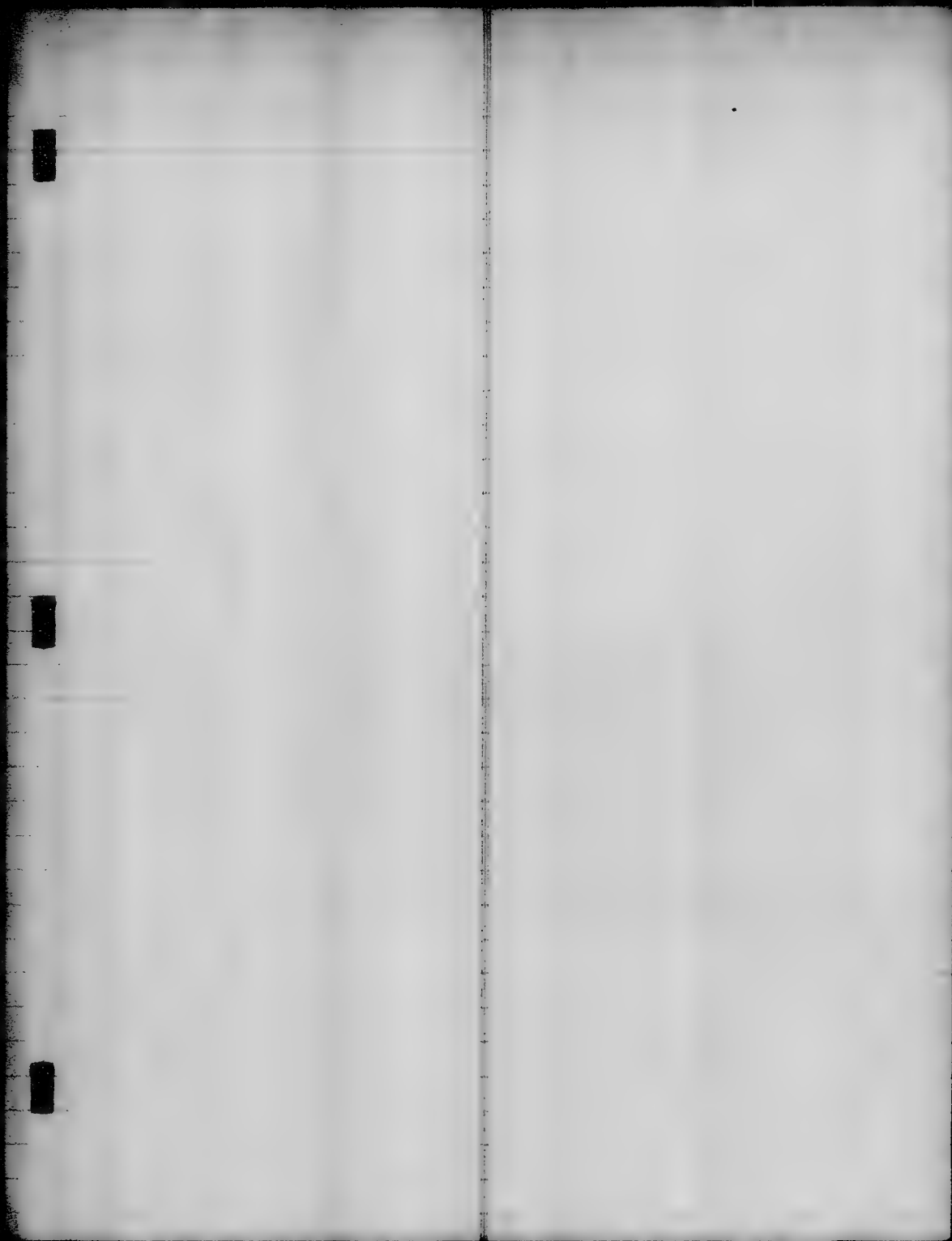
"Y"

<u>YMI Building</u> - designation as local historic property	11, 22, 23
<u>Youth Council</u> - agreement with James H. Drew Amusement Company for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.	83
<u>Young, A. J.</u> - claim against the city	147
<u>Young, David J.</u> - execution of quitclaim deed for property on Patton Avenue.	240
<u>Youth Appreciation Week</u> - Proclamation for second week in November, 1981	299
<u>Youth Council, Asheville-Buncombe</u> - Director of Parks and Recreation authorized to seek grant funds for the N. C. Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.	327
<u>YMI Cultural Center Project</u> - authorizing amendment to the Asheville HUD UDAG Program to provide funding in support of this project.	397
<u>Young's Cove Road</u> - r/w agreement with N.C.D.O.T. for water line on Mountain Drive off Young's Cove Road.	406
<u>Youth-In-Government Day</u> - Proclamation - March 24, 1982	417
<u>YMI Building</u> - contract with the joint venture of Bill Ashe and Mike Cox to provide architectural services for the restoration of the YMI Building	430

<u>Zoning</u> - rezoning property in Kenilworth Area	369, 385, 390
<u>Zoning</u> - rezoning property at 235-237 East Chestnut Street	381
<u>Zoning</u> - Bingham Heights Annexation Area	382
<u>Zoning</u> - rezoning property on Louisiana Avenue - request of Harold Talbert, agent for property owners.	382
<u>Zoning</u> - amendment to Zoning Ordinance to allow for repositories for ashes of human remains - ancillary use to churches	387, 402
<u>Zoning</u> - amendment to zoning ordinance to allow for accommodations of overnight visitors in single-family homes and dwellings up to three (3) nights during World's Fair - Request of Bed and Breakfast of Asheville.	388, 395, 403,
<u>Zoning</u> - Board of Adjustment - appointment of John Acee, Jack Baber, W. T. Duckworth, John Abbott as regular members - appointment as Richard Webster, Harold Talbert, Tom McCurry	408
<u>Zoning</u> - rezoning property in Bingham Heights Area - 2nd reading	409
<u>Zoning Amendment</u> - repositories for ashes for human remains as an ancillary use to churches	410
<u>Zoning Amendment</u> - to amend size of parking bays to 8.5' x 16'	411, 426, 437
<u>Zoning Amendment</u> - permit tailor and seamstress shops in the R-4 Residential District	411, 427

<u>Zoning</u> - rezoning of property east of Roberts Street (third reading)	3
<u>Zoning</u> - amendment to Ordinance No. 1208 - rezoning property on Leicester Highway.	48, 86
<u>Zoning</u> - rezoning property at 8 Temple Avenue for Mr. John Davies	99, 127, 141 145
<u>Zoning</u> - rezoning property at Mount Clare and Woodrow Avenue	110, 137
<u>Zoning</u> - Mr. Peter Winslow presented petition to rezone Kenilworth area	114
<u>Zoning</u> - amending zoning ordinance to permit City Council to appoint more than nine members to the Board of Adjustments.	146, 160 165,
<u>Zoning</u> - amending zoning ordinance due to changes in the N. C. General Statutes dealing with Family Care Homes.	147 161
<u>Zoning</u> - moratorium on rezoning requests and zoning permits for multi-family residential uses in Kenilworth area.	148, 348 155
<u>Zoning</u> - amendment to zoning ordinance - reduction in filing fee for appeals to the Board of Adjustment.	189 227
<u>Zoning</u> - rezoning property on Louisiana Avenue at the request of Harold Talbert	228 246 258
<u>Zoning</u> - rezoning property located at 22 Broad Street at the request of Ronald S. Butler	229, 257 273, 284
<u>Zoning</u> - temporary suspension of the extraterritorial jurisdiction in the area generally known as Beaverdam Valley.	229 247 259
<u>Zoning</u> - hearing scheduled for rezoning property in Kenilworth Area	308, 244 / 272 287, 356
<u>Zoning</u> - Hearing scheduled for Architectural Conservation District	253, 283 272 292
<u>Zoning</u> - imposing moratorium on rezoning requests and zoning permits in the Kenilworth Area.	278, 291
<u>Zoning</u> - rezoning certain lots in the East End/Valley Street Project Area	308, 278, 302
<u>Zoning</u> - rescinding ordinance relating to Architectural Conservation District	311, 315-317
<u>Zoning</u> - amendment to Zoning Ordinance to decrease regular membership of the Board of Adjustment and to provide for alternate members.	328, 340 352,
<u>Zoning</u> - property located at 235-237 East Chestnut Street	355
<u>Zoning</u> - property located on Louisiana Avenue- Harold Talbert request	355
<u>Zoning</u> - Bingham Heights Annexation Area	356, 401





Complete text of Resolution No. 81-86 will be found in Resolution Book No. 12 at page 369.

RESOLUTION NO. 81-87 - RESOLUTION OF COMMENDATION OF JOSEPH D. HARDIN, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

4. Consideration of a resolution of commendation of Joseph D. Hardin, retiring employee of the City of Asheville.

The City Manager read the resolution explaining that Joseph D. (Jake) Hardin has been employed by the City of Asheville for over fourteen years at Bee Tree Lake and retired from service on March 31, 1981.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 81-87 was unanimously adopted.

Complete text of Resolution No. 81-87 will be found in Resolution Book No. 12 at page 370.

PUBLIC HEARING - CLOSING AN ALLEY ADJOINING BOYD AVENUE

RESOLUTION NO. 81-88 - RESOLUTION TO CLOSE AN ALLEY ADJOINING BOYD AVENUE

5. A public hearing was held relative to closing an alley adjoining Boyd Avenue.

Mayor Trantham opened the public hearing at 4:15 P.M.

The City Manager presented the notice to the public setting a time and date for the public hearing and the affidavit of publication.

Mr. William F. Wolcott, III, attorney of record for William Harrison, spoke in support of closing an alley adjoining the west margin of Boyd Avenue to public use. He also presented an affidavit stating that the adjoining property owners had been notified and that the property had been posted pursuant to the North Carolina General Statutes.

Mayor Trantham closed the public hearing at 4:23 P.M.

Corporation Counsel William C. Moore read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-88 was unanimously adopted.

Complete text of Resolution No. 81-88 will be found in Resolution Book No. 12 at page 371.

ORDINANCE NO. 1210 - ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "GARBAGE AND REFUSE"

6. Consideration was given to an ordinance amending Chapter 13 of the Code of Ordinances of the City of Asheville entitled "Garbage and Refuse."

Thursday - April 16, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 9, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the April 9, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-85 - RESOLUTION OF APPRECIATION TO CAPTAIN BILL E. DUYCK

2. Consideration was given to a resolution of appreciation to Captain Bill E. Duyck.

The City Manager read the resolution explaining that Bill E. Duyck has been employed with the City of Asheville since 1957 with the Asheville Fire Department. Mr. Duyck has requested his retirement from the City of Asheville effective January 1, 1981.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-85 was unanimously adopted.

Complete text of Resolution No. 81-85 will be found in Resolution Book No. 12 at page 368.

RESOLUTION NO. 81-86 - RESOLUTION OF APPRECIATION TO CAPTAIN ROBERT B. NOLAND

3. Consideration was given to a resolution of appreciation to Captain Robert B. Noland.

The City Manager read the resolution explaining that Robert B. Noland has been employed by the City of Asheville since 1948 with the Asheville Fire Department. Mr. Noland has requested retirement from the City of Asheville effective February 1, 1981.

Upon motion of Councilman Brownlee, seconded by Councilman Wilkes, Resolution No. 81-86 was unanimously adopted.

Complete text of Ordinance No. 1209 will be found in Ordinance No. 9 at page 208.

RESOLUTION NO. 81-89 - RESOLUTION ESTABLISHING AND DESIGNATING THE DEPARTMENT OF ECONOMIC DEVELOPMENT AS REQUIRED BY THE CITY CHARTER

8. Consideration was given to a resolution establishing and designating the Department of Economic Development as required by the City Charter.

The City Manager read the resolution explaining that Section 26 of the Asheville City Charter, as enacted by Section 1, Chapter 27, Session Laws of 1981 provided that the City Council after hearing recommendations by the City Manager shall by resolution establish and designate departments of the City. The City Council has heard recommendations from the City Manager to establish the Department of Economic Development. The City Council now wishes to establish and designate the Department of Economic Development. This resolution will establish said department.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-89 was unanimously adopted.

Councilman Wilkes noted that the department would be staffed by contract for the present time.

Complete text of Resolution 81-89 will be found in Resolution Book No. 12 at page _____.

RESOLUTION NO. 81-90 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH CARTER/GOBLE ASSOCIATES FOR PROFESSIONAL CONSULTING SERVICES RELATED TO THE PROPOSED REGIONAL TRANSPORTATION CENTER IN DOWNTOWN ASHEVILLE

9. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter in a contract with Carter/Goble Associates for professional consulting services related to the proposed Regional Transportation Center in downtown Asheville.

The City Manager read the resolution explaining that the City of Asheville desires to develop a multi model transportation facility in downtown to improve the capacity, efficiency and comfort of mass transportation in this area. The City of Asheville will receive federal and state grant funds matched with local in-kind services for the purpose of retaining professional consultants. The proposed Asheville Regional Transportation Center would link several forms of transportation including inter-city buses, the Asheville Transit System, Charter Buses, Taxis and limousines into a single, modern, efficient and comfortable facility. Carter/Goble Associates was selected as being the most qualified consultant from an original list of over thirty firms. Work will begin immediately upon signing of the contracts. This resolution will authorize the Mayor to execute said contract. The total compensation shall not exceed \$20,000, nor the provisional overhead rate 107.9%.

The City Manager read the ordinance explaining that this ordinance changes the definition classification of a "condominium" from a commercial classification to a "residence" classification in order to provide the same service to "condominium" that are now given to "residence." The ordinance also amends Section 13-23(g) by providing that tree and shrubbery branches, limbs and trimmings cut by persons engaged in landscaping or tree service enterprises or by other commercial or "for hire" persons or those accumulations resulting from land clearing operations shall not be collected by the City, but shall be collected and removed by the commercial or for hire person doing the cutting or trimming. Thorny vegetation, if placed at curbside for collection, shall be cut in lengths not to exceed two (2) feet and placed in separate piles from other tree and shrubbery trimmings or loose leaves. Stumps weighing more than fifty (50) pounds shall not be collected by the City.

Councilman Cole moved for the adoption of Ordinance No. 1210. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1210 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1210. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1210 passed second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1210. This motion was seconded by Councilman Boland.

Councilman Wilkes stated that he felt Council needed to wait until next week to have the third reading of Ordinance No. 1210 in the event that anyone has any questions relative to the ordinance.

On a voice vote of 4-3, the motion to have the third reading failed, with Mayor Trantham, Vice-Mayor Morris, Councilman Brownlee and Councilman Wilkes voting "no."

ORDINANCE NO. 1209 - AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY EAST OF ROBERTS STREET)

7. Consideration was given to the third reading of Ordinance No. 1209, "AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (property east of Roberts Street)

Mayor Trantham said the ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1209 passed on third and final reading.

sewer line across the southwest corner of said lot. The City of Asheville desires to have a permanent easement for maintenance of the sewer line. The owner of said lot is willing to enter into an easement agreement with the City of Asheville and said easement has been properly executed by the owner. This resolution will authorize the Mayor to execute said easement agreement.

Resolution Book No. 12 at page 375.

- C) Rescheduling of a hearing to an appeal of the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund for W. B. Allison for May 28, 1981.

HIGHLIGHTS: W. B. Allison retired from the Asheville Police Department under normal retirement in 1977. In December of 1978, Mr. Allison requested a change of status from normal retirement to disability retirement in the line of duty. After reviewing evidence presented by Mr. Allison, the Board of Trustees denied Mr. Allison's request. Mr. Allison is appealing the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund to the Asheville City Council. This hearing was scheduled for consideration on April 2, 1981, however, due to conflict with attorneys, the hearing must be rescheduled for May 28, 1981.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

REPORT FROM COUNCILMAN BROWNLEE - PENSION SUBSIDIES FOR RETIRED POLICE OFFICERS AND THEIR BENEFICIARIES

11. Councilman Brownlee said that he had received a report from the City Manager that nine persons were now receiving a small sum as the result of an ordinance adopted by Council for pension subsidies. He said only two widows were receiving small sums.

He said that out of all the widows of the retired police officers he felt this was very little in his opinion.

CLAIMS - BRENDA FORESTER - RICHARD C. GREEN - VERA BRADLEY

The City Manager presented claims received from Brenda Forester, Richard C. Green and Vera Bradley.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Verl Emrick, Director of Planning, said this resolution was a result of a grant applied for several months ago for consultant work for the Regional Transportation Center. He said Carter/Goble is affiliated with Six Associates, Inc. He said this would be an architectural and marketing study to determine if the transportation center can become a reality.

Upon inquiry of Councilman Boland, Mr. Emrick said the City staff has never dealt with such a project and felt it would be best to contract for a consultant with expertise in this area.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-90 was unanimously adopted.

Complete text of Resolution No. 81-90 will be found in Resolution Book No. 12 at page 373.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A) Resolution No. 81-91 - Resolution authorizing the disposition of municipal records.

HIGHLIGHTS: The City of Asheville Finance Department, Accounting Division has adopted a policy for the disposition of certain public records in their custody which have reached the end of their statutory retention period. The destruction of such records is in compliance with N. C. G. S. 121-5 and the stipulations set forth in the municipal records manual. A listing will be maintained of those records, including inclusive dates and their quantity which are to be destroyed. This resolution will authorize the Finance Director of the City of Asheville to dispose of such records.

Resolution Book No. 12 at page 374.

- B) Resolution No. 81-92 - Resolution authorizing the Mayor to execute an easement with Asheville Federal Savings and Loan Association for the purpose of maintaining a new sewer line through their property at the corner of Louisiana Avenue and Patton Avenue.

HIGHLIGHTS: The City of Asheville has an existing sewer line on Louisiana Avenue. The North Carolina Department of Transportation desires to relocate said

Thursday - April 23, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 16, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the April 16, 1981, meeting were approved as submitted.

PRESENTATION BY QUALITY FORWARD - SPURGEON CARTER

2. Mr. Robert C. Buchholz, of Quality Forward presented Mr. Spurgeon Carter, an employee of the Parks and Recreation Department, a plaque paying tribute to him for his outstanding work in keeping the grounds of the City and County beautiful.

ORDINANCE NO. 1210 - ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ENTITLED "GARBAGE AND REFUSE"

3. Consideration was given to the third reading of Ordinance No. 1210 amending Chapter 13 of the Code of Ordinances of the City of Asheville entitled "Garbage and Refuse."

Mayor Trantham said the ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1210 passed on third and final reading.

Complete text of Ordinance No. 1210 will be found in Ordinance Book No. 9 at page 209.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL AREA

4. Consideration was given to a motion approving the sale of disposal parcels in East Riverside Renewal Area.

PROCLAMATION - APRIL 19-25, 1981 - "NATIONAL BOYS CLUB WEEK"

Mayor Trantham proclaimed the week of April 19-25, 1981 as National Boys Club Week.

PROCLAMATION - APRIL 19-25, 1981 - "PRIVATE PROPERTY WEEK"

Mayor Trantham proclaimed the week of April 19-25, 1981 as Private Property Week.

RALPH BISHOP - LOTTERY SALES - REQUEST FOR RECORDS - J. C. HALL'S PENSION

Mr. Ralph Bishop said there was a lottery operation that had opened up on Banks Avenue but did not last very long. He said the operation on Riverside Drive is still in operation.

Mr. Bishop also requested information on how much the city paid Mr. Harold Bennett to seek relief of the Sullivan Act, how much was paid to Richard A. Wood to get the water deal together, and how much Herbert L. Hyde is being paid relative to the proposed annexations.

Councilman Brownlee informed Mr. Bishop that he had checked into his request relative to former Police Chief J. C. Hall's police pension. He said Chief Hall's pension went into effect in 1977 and it was his understanding that the medical doctor, which is on the board, must review evidence that a person is disabled before they can receive disability pensions. He said that it was also his understanding that at the request of the Board an individual receiving the pension can be called in for reexamination.

Councilman Brownlee also informed Mr. Bishop that he recently saw Chief Hall and was informed that he had a serious heart attack and was not able to do anything whatsoever.

Mr. Bishop said that he appreciated Councilman Brownlee's investigation. He also requested information as to what police officer took former Chief J. C. Hall to the hospital when he had his heart attack. He asked if a private citizen could pay for a requested examination of a certain person receiving pension.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee the meeting adjourned at 5:00 p.m.

Ray M. Trantham
MAYOR

William J. Holcomb
CITY CLERK

IBM typewriter. The Community Development Director has recommended the sale of the typewriter. The proceeds from the sale of the typewriter will be applied to the purchase of a replacement typewriter that will more effectively meet the needs of the department. This resolution will authorize the sale of the typewriter.

Resolution Book No. 12 at page 380.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

RESOLUTION NO. 81-95 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE A DEED CONVEYING DISPOSAL PARCEL 1 IN THE CIVIC RE-DEVELOPMENT AREA TO ALLEN CENTER, INC.

6. Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville to execute a deed conveying disposal parcel 1 in the Civic Redevelopment Area to Allen Center, Inc.

The City Manager read the resolution explaining that pursuant to Resolution No. 77-16 adopted by the Asheville City Council, the Mayor was authorized to enter into a lease/purchase agreement with Friends Enterprises for the property known as disposal parcel 1 in the civic redevelopment area and pursuant to Resolution No. 80-148 adopted by the Council, the rights of Friends Enterprises were assigned to Allen Center, Inc. Allen Center, Inc., has requested that the property be conveyed as stipulated in the lease/purchase agreement. This resolution will authorize the Mayor to execute a deed conveying disposal parcel 1 in the civic redevelopment area to Allen Center, Inc.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-95 was unanimously adopted.

Complete text of Resolution No. 81-95 will be found in Resolution Book No. 12 at page 381.

ORDINANCE NO. 1211 - AN ORDINANCE AMENDING SECTION 28-81.6 AND SECTION 28-81.7 OF ARTICLE IV (SPEED REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

7. Consideration was given to an ordinance amending Section 28-81.6 and Section 28-81.7 of Article IV (Speed Regulations) of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance explaining that this ordinance would not change the speed limits on these roads but would merely change the road numbers to conform with state road numbers. He said this ordinance was requested by the North Carolina Department of Transportation.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in East Riverside Renewal Area.

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
8A	Assemblage	740	740	Beulah Chapel Holiness Church
33	Residential	3,100	3,500	Mr. & Mrs. Harold Taylor
159	Residential	750	750	Mr. & Mrs. Jerry Harper

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, answered questions from members of Council relative to the location and the proposed use of the property in question.

Vice-Mayor Morris moved to approve the sale of parcels 8A, 33, and 159 in the East Riverside Renewal Area as tentatively accepted by the Housing Authority. This motion was seconded by Councilman Boland and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

5. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-93 - Resolution of intent to close a portion of Elmwood (also known as Elwood Street), Jackson Avenue and Sharon Road and calling a public hearing on the question for May 28, 1981.

HIGHLIGHTS: A petition has been filed by E. M. Green, Mabel Green, Carl C. Messer, Kathryn Messer, Lena Reed, C. Russell Reynolds, Sally Bauman Reynolds, Raymond B. Bentley, Hilda W. Bentley, Vernon M. Parris, Eva S. Parris, James T. Burnette and Marion Burnette requesting that said portions of the above named streets be permanently closed to public use. The portions of said streets are under the control and the authority of the City of Asheville and the closing of said streets is not contrary to the public interest. A public hearing relative to the closing of these streets will be held on May 28, 1981.

Resolution Book No. 12 at page 379.

- B. Resolution No. 81-94 - Resolution authorizing disposal of property by private sale.

HIGHLIGHTS: The Community Development Department of the City of Asheville has in its property inventory an

PROCLAMATION - APRIL 27 - MAY 2, 1981 - DRAFTING WEEK

Mayor Tratham proclaimed the weeks of April 27 - May 2, 1981, as "Drafting Week."

PROCLAMATION - MAY, 1981 - OLDER AMERICANS MONTH

Mayor Trantham proclaimed May, 1981, as "Older Americans Month."

RALPH BISHOP - COMMENTS RELATIVE TO FORMER POLICE CHIEF J. C. HALL

Ralph Bishop again spoke to Council relative to former police chief J. C. Hall's disability pension. He said he personally did not feel that former Chief J. C. Hall is sick. He said that he would like to request a medical examination of former Police Chief J. C. Hall. He said he would be willing to pay for the examination.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, the meeting adjourned at 4:30 p.m.

Raym Trantham
MAYOR

William J. Holcomb
CITY CLERK

Councilman Boland moved for the adoption of Ordinance No. 1211. This motion was seconded by Councilman Cole.

On a roll call vote of 6-0, Ordinance No. 1211 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1211. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1211 passed on second reading.

Councilman Boland moved to suspend the rules and proceed to the third reading of Ordinance No. 1211. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1211 passed on third and final reading.

Complete text of Ordinance No. 1211 will be found in Ordinance Book No. 9 at page 211.

SCHEDULING OF PUBLIC HEARING - DESIGNATION OF LOCAL HISTORIC PROPERTIES

8. The City Manager requested that Council consider a motion scheduling a public hearing for May 7, 1981, to consider four ordinances to designate four local historic districts being the Ravenscroft Building, YMI Building, Smith McDowell House, and Richmond Hill.

Councilman Cole moved to schedule a public hearing on May 7, 1981, to consider four ordinances that would designate four local historic properties. This motion was seconded by Councilwoman Price and carried unanimously.

CLAIMS - WHITNEY P. DAVIS

9. The City Manager presented a claim received from Whitney P. Davis.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - APRIL 19-25, 1981 - NATIONAL SECRETARIES' WEEK

Mayor Trantham proclaimed the week of April 19-25, 1981, as National Secretaries' Week.

PROCLAMATION - APRIL 26 - MAY 2, 1981 - NATIONAL DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mayor Trantham proclaimed the week of April 26 - May 2, 1981 as National Days of Remembrance of the Victims of the Holocaust.

2. Verl Emrick, Director of Planning, gave a presentation updating the process status of the annexation under consideration by the Asheville City Council.

Mr. Emrick said that during the budget process in July, 1980, the Planning staff presented a plan proposing that thirteen areas surrounding the City limits of Asheville be annexed. He said Council at that time suggested that the Planning staff review the proposed plan and bring another recommendation back to Council. He said this had been done and the final recommendation included the four areas considered for annexation which meet statutory requirements.

Mr. Emrick said the Western North Carolina area is a mountainous area and all the growth that has occurred in Western North Carolina has occurred in the valleys where developable land is involved. He said the Buncombe County Water System has also followed the developable land. He said questions had been raised as to why the proposed annexation was so spread out and random. He said statutorily the City cannot do a symmetrical annexation. He said the high ridges in the mountains restrict this type of annexation and still meet the requirements. By the use of a map, Mr. Emrick showed the annexation history of the City of Asheville. He said annexation has been studied for quite some time, with the Metropolitan Planning Board, in 1971, presenting a study entitled "Program for the Orderly Extension of Urban Services." He said the last annexation of the City of Asheville was completed in 1974, being the Shiloh and Oteen areas. He said studies were also made through the Asheville/Buncombe County Local Government Study Commission relative to annexation. He said a long-range planning process for annexation has been going on for a long time.

Mr. Emrick explained the methods of annexation pursuant to North Carolina General Statute 160A-45-46 Part (3). He said the City of Asheville has been under a moratorium for annexation for several years which has provided for a decline in the population for the City of Asheville. He presented a draft which showed the increase and decrease of population for the City of Asheville compared with the County of Buncombe. He said the City has been holding a steady line on population and the County of Buncombe has been picking up the percentages lost by the City. He said in 1960 the City of Asheville population was 60,000, in 1970 it was 57,000 and in the 1980 census it was 53,700. If the City of Asheville's population falls below 50,000, many federal funds would be lost. He said several questions were raised at the community meetings held by the Planning Division. In answering some of those questions, Mr. Emrick said questions were raised relative to police coverage, how long it would be before services would be available to the annexed areas and whether their children would be required to change school districts. He said the areas would receive the same police coverage as current city residents, and services would be provided on the effective date of the ordinance. He said their children would not be required to change school districts. He said the residents in the proposed area would also have a reduction in their fire insurance rate and they will no longer have to pay the fire district tax.

Mr. Emrick said the annexation would have little impact geographically or monetary. He said he had been asked to address the issue of extra-territorial zoning powers. He said Council is not, at this time, considering

Thursday - April 30, 1981 - 6:00 p.m.
Asheville Civic Center
Thomas Wolfe Auditorium

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 23, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the April 23, 1981, meeting were approved as submitted.

GROUND RULES FOR CONDUCTING PUBLIC HEARING

At this time Mayor Trantham explained that "persons who are residents or property owners are invited to present their views. This is a time for people to express themselves to members of City Council on how they feel about the proposed annexation. It is not a time for members of Council to try to respond to any questions that might be raised. Council will take all the information under consideration and make proposals at a later date."

Mayor Trantham then went over the ground rules for conducting a public hearing which the Asheville City Council has had in effect for some time. He said "we would like to conduct these public hearing in an orderly manner and to do so we feel that it is necessary to establish a few simple ground rules. When you entered the meeting all those who wish to speak for or against the annexation were asked to register. Individuals who signed up representing a group or organization in favor of annexation will be given the first opportunity to speak and will be allotted ten minutes. Those who have signed up and are speaking in their own behalf for annexation will then be called on and allotted three minutes. Individuals who signed up representing a group or organization in opposition of the annexation will then be called on and will be allotted ten minutes. Those speaking in opposition of annexation on their own behalf will be allotted three minutes. I will ask that when you have been recognized, that you come to one of the microphones, state your name and address and the group or organization you represent and that you limit your comments to the particular area being discussed."

PRESENTATION BY DIRECTOR OF PLANNING - UPDATE OF PROCESS STATUS OF PROPOSED ANNEXATION

more feasible way of consolidating several services provide by the City and County. He said the Board of County Commissioners feel that would be the best route to take. He said the County Commissioners are interested in the City residents as well as the County residents and it was their intention to provide service to the City residents as well as County residents.

PUBLIC HEARING - PROPOSED ANNEXATION - GENERALLY KNOWN AS THE CHUNNS COVE AREA

3. A public hearing was held relative to the proposed annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Chunn's Cove Area.

Mayor Trantham opened a public hearing at 6:50 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and highlighted the service plan proposed for the Chunn's Cove area, which was approved and adopted by Council at the April 9, 1981, meeting.

The following individuals spoke in favor of the proposed annexation in general:

Mr. Wayne Stanko, 25 Greenleaf Circle
Mrs. Florence F. Ryan, 74 Wembly Road

The following individuals spoke in opposition to the proposed annexation of the Chunn's Cove area:

Attorney Bob Long, representing Glenwood Associates, owners of Ridge Townhouse Apartments
Mr. John Burnhardt

Mayor Trantham closed the public hearing at 7:10 p.m.

PUBLIC HEARING - PROPOSED ANNEXATION - SWEETEN CREEK ROAD AREA

4. A public hearing was held relative to the proposed annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Sweeten Creek Road Area.

Mayor Trantham opened the public hearing at 7:12 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the area proposed annexation and highlighted the service plan proposed for the Sweeten Creek Road area, which was approved and adopted by Council at the April 9, 1981, meeting.

The following individuals spoke in opposition to the proposed annexation of the Sweeten Creek Road area:

extending the extraterritorial zoning jurisdiction one mile beyond the proposed annexed areas. He said if Council decides to extend their zoning jurisdiction, the City only enforces the zoning ordinance issuing "zoning permits." He said other permits such as building, housing, certificates of occupancy, etc. are issued by the County. He said Council is not now discussing or considering extraterritorial zoning.

At this time Mayor Trantham recognized Buncombe County Commission Chairman Curtis R. Ratcliff.

Chairman Ratcliff said the Buncombe County Board of Commissioners are united in their position to oppose the City of Asheville's annexation process. He said relationships between the City and County in the past have developed mutual respect and he felt the proposed annexation issue would damage that relationship. He said the County Commissioners recognize the City's position but hoped that Council would consider the County agreements that have been worked out between the City and County in the past such as the Airport Authority, the construction of the Library along with the transition of the administrative operations, and the proposed water agreement that is now pending. He said the County has developed extensive services for the County of Buncombe including recreation, ambulance service, and volunteer fire departments. He said the annexation would also effect the water and sewer districts and would be detrimental to the Hominy Valley-Candler area in their proposal for a new sanitary sewer district. He said the project was financed by the Farmers Home Administration they will not finance projects that are inside the City limits of Asheville.

Mr. Ratcliff said that they feel that annexation is not the answer and the proposed annexation, if approved, might drive new industries into other states or adjoining counties. He said that it is their feeling that annexation should not take place by the City of Asheville unless it is by petition of the property owners being annexed.

Mr. Ratcliff said he felt a need to explain how the newspaper advertisement in today's paper was paid for. He said he had reviewed this matter with the County attorney today and felt a need to explain where the funds come from. He said no tax money was used for the paid advertisement in the Asheville Citizen Times paper on April 30, 1981, opposing the proposed annexation by the City of Asheville. He said the Courthouse has vending machines and all the vending machine money goes into a discretionary fund from which flowers, contributions, etc., are paid. He said the revenue in the discretionary fund, since last July amounted to \$1,005. He said the advertisement in today's paper cost the Buncombe County Commissioners \$688.00 and that money came from the vending machine discretionary fund.

Chairman Ratcliff said he did not feel their positions had been adequately reviewed so they felt they needed to bring this matter to the attention of the residents affected by the proposed annexations. He said that he had heard that comments were made that the paid advertisement might affect the water agreement. He said he would like it to go on record that the City officials said that, but the County officials did not.

Chairman Ratcliff said there was a provision in the proposed water agreement that the City and County services would be studied to determine a

public hearing.

The following individuals spoke in opposition to the proposed annexation of the Patton Avenue area:

Mr. Tom Penland representing the Montgomery Street Homeowners
Phylliss Martin of 140 Smokey Park Highway, Secretary/Treasurer of
COTA-West (presented petitions)
Mr. Ben Pace of the Enka/Candler Businessmen Association
Mr. Wayne Cooper
W. H. Israel of 8E, Starnes Cove Road
A. L. Hill of 661 Sand Hill Road
Mr. Earl Wise of Oak Hill Road (Lower Hominy #2)
Mr. Ted Skaggs of 165 Smokey Park Highway
Mr. James Roberts
Mr. Paul McKinney of Monte Vista Road
Mr. Chester Jennings of 203 Brevard Road
Mr. C. H. Watkins of 659 Sand Hill Road
Mr. Tom Thrash of 15 Monte Vista Road
Laura Thrash of 15 Monte Vista Road
J. C. Rick of Asbury Road
Miles Wadsworth of the Haw Creek section
G. A. Carver of 160 Smokey Park Highway

Mayor Trantham closed the public hearing at 10:25 p.m.

PUBLIC HEARING - PROPOSED ANNEXATION - BINGHAM ROAD AREA

6. A public hearing was held relative to the proposed annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Bingham Road Area.

Mayor Trantham opened the public hearing at 10:29 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit for publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and highlighted the service plan proposed for the Bingham Road area which was approved and adopted by Council at the April 9, 1981, meeting. Mr. Emrick also presented a petition to be filed with the City Clerk in opposition to the proposed annexation.

The following individuals spoke in opposition to the proposed annexation of the Bingham Road area:

Mrs. Hagan of Bingham Road
Roy Huntsinger of Adams Hill Road or Bingham Road
Ms. L. Brady of 22 Wall Street

Mayor Trantham closed the public hearing at 10:39 p.m.

Mr. James W. Williams, Attorney representing Ballantree Homeowners Association
Mr. Jim Adams, representing Limestone Township
Mr. Joseph Bailey, First Vice-President of Crowfields
Mr. James Bailey, Monte Vista Road
Attorney Gary Rowe, representing Crowfields Condominiums and several industries in the South Buncombe area.
Mr. Arthur Wolfe, President of Ballantree Association
Virginia Anderson of Y-2 Crowfields
Webster Anderson of Y-2 Crowfields
Ron Daniels, Plant Manager of Ball Glass, Corp.
Edmond Burke, Jr., of the Limestone Council
Marion C. Havener, Skyland
Balus Chastain, 134 Hickory Court
Roy Burchfield, Ballantree
Tom Corbin, 26 Braddock Way, Ballantree
Joann Corbin, 26 Braddock Way, Ballantree
Mr. Rex Ballard, Ballard Appliance Co.
Mr. Eric Redden, 24 Stockwood Road
Larry Carter, Arden
Charlie Patton, Ballantree
Tom Jones
Harry Clark, who owns the first house outside city limits
Lee Jackson of Ballantree Drive
Dr. Candler Willis of V2 Crowfields
Mr. Edwin Juszcyk, 9 Campbell Circle - Ballantree
Mr. Mike Braddon, of Haw Creek
Gary Ledford

Mayor Trantham closed the public hearing at 8:50 p.m.

COUNCIL RECESS

At 8:50 p.m. Mayor Trantham called for a ten (10) minute recess of the Council meeting and the Council reconvened at 9:05 p.m.

PUBLIC HEARING - PROPOSED ANNEXATION - PATTON AVENUE AREA

5. A public hearing was held relative to the proposed annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as the Patton Avenue Area.

Mayor Trantham opened the public hearing at 9:05 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and highlighted the service plan proposed for the Patton Avenue area which was approved and adopted by Council at the April 9, 1981, meeting.

Mayor Trantham again stated the ground rules for conducting the

Thursday - May 7, 1981 - 4:00 p.m.

Regular Meeting

Present: Acting Mayor Norma T. Price, Presiding; Councilmen F. Jack Cole, Harold F. Brownlee, and Walter R. Boland, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham
Vice-Mayor Ralph D. Morris, Jr.,
Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 30, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the April 30, 1981, meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT - APARTMENT COMPLEX KNOWN AS "WILLIAMSBURG OAKS" - OVERBROOK DRIVE

2. A public hearing was held relative to a site plan of a proposed apartment complex known as "Williamsburg Oaks" to be constructed on Overbrook Drive.

Acting Mayor Price opened the public hearing at 4:03 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting on April 1, 1981, considered the site plan of a proposed apartment complex known as "Williamsburg Oaks" to be constructed on Overbrook Drive. The plan was prepared by Spaceplan, Inc., Architects for Mark Carlson, Corbin-Carlson, Developer. After discussion, the Commission voted to recommend approval of the site plan subject to the following: 1) Erosion control ordinance; 2) Approval by Department of Human Resources and 3) Show proposed buffering, grading plan, and parking for the handicapped on the final plan.

Mr. Emrick said the proposed apartment complex would consist of thirteen (13) units, with two new structures and one existing structure being modified for the handicapped. He said all buffering and landscaping in the proposed project meets the requirements of the zoning ordinance. He said a natural buffer surrounds the property in question.

PROCLAMATION - MAY, 1981 - "AMERICAN BUSINESS WOMEN'S ASSOCIATION EDUCATION MONTH"

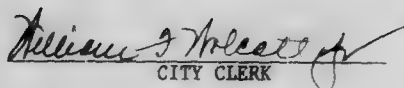
PROCLAMATION - MAY 3-10, 1981 - "NATIONAL MUSIC WEEK"

PROCLAMATION - MAY 1-7, 1981 - "RESPECT FOR LAW WEEK"

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the meeting adjourned at 10:45 p.m.


MAYOR


CITY CLERK

Acting Mayor Price closed the public hearing at 4:17 p.m.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Boland, Resolution No. 81-96 was unanimously adopted.

Complete text of Resolution No. 81-96 will be found in Resolution Book No. 12 at page 383-384.

PUBLIC HEARING - DESIGNATING THE "YMI BUILDING," "RICHMOND HILL HOUSE," "RAVENSCROFT," AND "SMITH-MCDOWELL HOUSE" AS HISTORIC PROPERTIES

4. A public hearing was held relative to designating the "YMI Building," "Richmond Hill House," "Ravenscroft," and "Smith-McDowell House" as historic properties.

Acting Mayor Price opened the public hearing at 4:24 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mrs. Grace Pless, Chairman of the Historic Resources Commission, introduced members of the Historic Resources Commission present at the meeting and said they recommended that three of the properties be designated as local historic properties. She said the Historic Resources Commission feels that preservation of property improves the quality of life as well as provides for economic benefits. She said the North Carolina General Statutes require a clear chain of title and ownership for all designated historic properties. She said there is still some question about these requirements as they apply to the "Richmond Hill House" and they would request that consideration of the "Richmond Hill House" as a historic property be removed from today's public hearing.

Councilman Boland moved that the "Richmond Hill House" not be considered as part of the public hearing today. This motion was seconded by Councilman Cole and carried unanimously.

Mr. Richard Thornton, of the Planning Division, said the North Carolina General Statutes require that the Historic Resources Commission first review the significance of a particular property for its historical character or cultural contribution to the community before proceeding with the procedure to designate it as a historic property. He said this has occurred by the Historic Resources Commission and the property owners and the adjacent property owners were notified and the Commission received no opposition at their meeting. He said the North Carolina General Statutes require that a joint public hearing be held between the local governing body, being the Asheville City Council and the Historic Resources Commission in order to give property owners an opportunity to voice their opinions. He said this is a state in enabling designation which allows property owners 50% reduction in property tax assessment. He said if the owner desires in the future to demolish or substantially alter the building; three years of the reduced taxation must be paid back with interest. He said the properties would come under the jurisdiction of the Historic Resources Commission and any improve-

Mr. Burick said at the Planning and Zoning Commission meeting a petition was presented, with twenty-three (23) signatures, stating their opposition to the proposed apartment complex primarily due to traffic congestion in the area. He said the petition stated that Overbrook Drive is a main thoroughfare that serves eighty-five (85) residents. He said only one individual, representing a church in the area, was present at the Planning and Zoning meeting and he only sought information relative to the proposed complex.

Mr. Mark Carlson, of Corbin-Carlson, said the proposed apartment complex would be an asset to the community and would be a small residential development.

Acting Mayor Price closed the public hearing at 4:13 p.m.

Councilman Boland moved to approve the site plan of the proposed apartment complex known as "Williamsburgs Oaks" to be constructed on Overbrook Drive subject to the conditions set forth by the Planning and Zoning Commission. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - CLOSING ALL OF SHORT GRANADA AND WELLINGTON STREETS AND PORTIONS OF CORDOVA STREET, GRANADA STREET, GRANADA CIRCLE, PARKWAY DRIVE AND SWANNANOVA DRIVE

RESOLUTION NO. 81-96 - RESOLUTION TO CLOSE ALL OF SHORT GRANADA AND WELLINGTON STREETS AND PORTIONS OF CORDOVA STREET, GRANADA STREET, GRANADA CIRCLE, PARKWAY DRIVE AND SWANNANOVA DRIVE

3. A public hearing was held relative to closing all of Short Granada and Wellington Streets and portions of Cordova Street, Granada Street, Granada Circle, Parkway Drive, and Swannanova Drive.

Acting Mayor Price opened the public hearing at 4:14 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Attorney Bill Slauter, representing Builders Savings and Loan Association, developers of the property, said the streets proposed to be closed are identified on a plat known as "Sky Harbor" recorded in the office of Register of Deeds for Buncombe County, North Carolina in November, 1946, in Plat Book 21 at page 43. He said the streets referred to have never been developed, used or maintained by the City of Asheville or by anyone. He said the petitioner is the owner of all property included within the boundaries of the area encompassing said streets except for several lots which the petitioner has the option to purchase. He said the closing of these streets would not be detrimental to or contrary to the public interest or the property rights of any individual since no individual owning property in the vicinity of said streets would by the permanent closing of said streets be deprived of reasonable means of ingress or egress to his property. He said the closing of these streets is in connection with the development of the Sky Harbor Factory Outlet Mall to be located on State Street and Amboy Road which recently received approval by the Asheville City Council under the Group Development Section of the Zoning Ordinance. He said the developer has been careful to close streets only necessary for the development of the project.

On a roll call vote of 4-0, Ordinance No. 1213 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1213. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1213 passed on the third and final reading.

Complete text of Ordinance No. 1213 will be found in Ordinance Book No. 9 at page 214 & 215.

ORDINANCE NO. 1214 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "SMITH-McDOWELL HOUSE" LOCATED AT 283 VICTORIA ROAD IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

7. Richard Thornton, of the Planning Department read the ordinance designating the Smith-McDowell House as historic property.

Councilman Cole moved for the adoption of Ordinance No. 1214. This motion was seconded by Councilman Boland.

On a roll call vote of 4-0, Ordinance No. 1214 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1214. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0 Ordinance No. 1214 passed on second reading.

Councilman Boland moved to suspend the rules and proceed to the third reading of Ordinance No. 1214. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1214 passed on third and final reading.

Complete text of Ordinance No. 1214 will be found in Ordinance Book No. 9 at page 216 & 217.

ORDINANCE NO. 1215 - ORDINANCE AMENDING SECTIONS 1-5, 28-101, 28-117, AND 28-130 OF THE ASHEVILLE CODE OF ORDINANCES TO PERMIT THE ISSUANCE OF MULTIPLE CITATIONS FOR ILLEGAL PARKING

8. Consideration was given to an ordinance amending Sections 1-5, 28-101, 28-117, and 28-130 of the Asheville Code of Ordinances to permit the issuance of multiple citations for illegal parking.

Corporation Counsel Moore read the ordinance which will amend sections of the Asheville Code of Ordinances to permit the issuance of multiple citations for illegal parking. It also amends Section 28-101 of the

ments or changes to the exterior of the buildings must receive approval from the Historic Resources Commission and a Certificate Of Appropriateness must be issued prior to any change.

Mr. Thornton then gave a brief history of the YMI Building, the Smith-McDowell House and Ravenscroft.

Acting Mayor Price closed the public hearing at 4:35 p.m.

ORDINANCE NO. 1212 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "YMI BUILDING" LOCATED ON MARKET AND EAGLE STREETS IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

5. Richard Thornton of the Planning Department then read the ordinance relative to the designation of the YMI Building.

Councilman Cole moved for the adoption of Ordinance No. 1212. This motion was seconded by Councilman Boland.

On a roll call vote of 4-0, Ordinance No. 1212 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1212. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1212 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1212. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1212 passed on third and final reading.

Complete text of Ordinance No. 1212 will be found in Ordinance Book No. 9 at page 212 & 213.

ORDINANCE NO. 1213 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "RAVENSCROFT" LOCATED AT 29 RAVENSCROFT ROAD IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

6. Richard Thornton of the Planning Department read the ordinance designating the "Ravenscroft" as historic property.

Councilman Cole moved for the adoption of Ordinance 1213. This motion was seconded by Councilman Brownlee.

On a roll call vote of 4-0, Ordinance No. 1213 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1213. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1216 passed on second reading.

Councilman Boland moved to suspend the rules and proceed to the third reading of Ordinance No. 1216. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1216 passed on third and final reading.

Complete text of Ordinance No. 1216 will be found in Ordinance Book No. 9 at page 220.

BUDGET AMENDMENTS - 1980-81 OPERATING BUDGET OF THE CITY OF ASHEVILLE -
COMMUNITY DEVELOPMENT FUND BUDGET

10. Consideration was given to budget amendments amending the 1980-81 Operating Budget of the City of Asheville and the Community Development Fund Budget.

Councilman Brownlee moved to consider items 7, 8, 9, 10 and 11 of the May 7, 1981, agenda as one budget amendment. This motion was seconded by Councilman Cole and carried unanimously.

The City Manager presented budget amendments to reallocate funds to cover worker's compensation cost, total worker's compensation expenses city-wide for fiscal year 1980-81 are projected at \$314,955; \$400,000 for the 1980-81 street paving program to be taken from the General Fund street construction appropriation (\$117,000), Capital reserves (\$250,000) and money which will not be needed to complete the 1979-80 paving program (\$33,000); \$13,914 to correct the budget amendment passed by City Council on March 12, 1981, in order to appropriate accurately expenditures and revenues for improvements to Memorial Stadium, the improvements were funded by Buncombe County through the Asheville City Schools; \$225,000 to provide funding for the project to be entitled Asheville Downtown Commercial Complex, these funds will come from the Community Development contingency fund; and \$60,000 to replace the windows on the 7th floor of the City Hall Building, revenue to come from the recently passed continuation of the General Revenue Sharing program.

Councilman Boland moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-97 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF
THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY FOR
THE PROJECT KNOWN AS SARDIS ROAD 8" WATER LINE

11. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Sardis Road 8" water line.

The City Manager read the resolution.

Code of Ordinances to permit the Director of Public Works, instead of the Director of Public Safety, the authorization to designate location of prohibited parking.

After discussion, Councilman Brownlee moved for the adoption of Ordinance No. 1215. This motion was seconded by Councilman Cole.

Councilman Brownlee said he felt the City Manager should instruct the Chief of Police and his employees to enforce the parking ordinance.

On a roll call vote of 4-0, Ordinance No. 1215 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1215. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1215 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1215. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 1215 passed on third and final reading.

Complete text of Ordinance No. 1215 will be found in Ordinance Book No. 9 at page 218 & 219.

The City Manager said as far as the enforcement of Ordinance No. 1215, a thirty (30) day grace period would be given in order to give the public notice of the enforcement of the ordinance.

ORDINANCE NO. 1216 - ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81

9. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville for Fiscal Year 1981-81.

The City Manager read the ordinance stating that this ordinance summarizes and ratifies all budget amendments made by Council from January 1, 1981, through March 31, 1981.

Councilman Boland moved for the adoption of Ordinance No. 1216. This motion was seconded by Councilman Cole.

On a roll call vote of 4-0, Ordinance No. 1216 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1216. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS WILLIAM WILSON

The City Manager presented a claim received from William Wilson.

Acting Mayor Price referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-99 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REVITALIZATION AND ECONOMIC DEVELOPMENT COMMISSION

Consideration was given to a resolution appointing Mrs. Thomas E. Rardin and Mr. Robert N. Baylor as members of the Asheville Revitalization and Economic Development Commission.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-99 was unanimously adopted.

Complete text of Resolution No. 81-99 will be found in Resolution Book No. 12 at page 387.

RESOLUTION NO. 81-100 - RESOLUTION ACCEPTING CERTAIN EASEMENTS ON BEHALF OF THE CITY AND AUTHORIZING THE MAYOR TO SIGN THE APPROPRIATE DOCUMENTS

Consideration was given to a resolution accepting certain easements on behalf of the City and authorizing the Mayor to sign the appropriate documents.

The City Manager read the resolution explaining that Mary Ann Noblett, C. A. Noblett and Marjorie J. Keenan have had a claim against the City of Asheville, which claim has been disputed by the City and the claim has been settled to the satisfaction of all parties involved. He said the parties involved have executed legal documents releasing the City from the aforementioned claim and granting the City certain easements for water and roadway purposes. He said this resolution will authorize the acceptance of said easements.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-100 was unanimously adopted.

Complete text of Resolution No. 81-100 will be found in Resolution Book No. 12 at page 388.

PROCLAMATION - "UNITED NEGRO COLLEGE FUND WEEK" - MAY 11-15, 1981

Acting Mayor Price proclaimed the week of May 11-15, 1981, as "United Negro College Fund Week."

PROCLAMATION - "SENIOR CENTER WEEK" - MAY 10-15, 1981, - "SENIOR CITIZENS DAY" - MAY 12, 1981

Acting Mayor Price proclaimed the week of May 10-15, 1981, as "Senior Center Week" and May 12, 1981, as "Senior Citizens Day."

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-97 was unanimously adopted.

Complete text of Resolution No. 81-97 will be found in Resolution Book No. 12 at page 385.

RESOLUTION NO. 81-98 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS W. T. WEAVER BOULEVARD 10" AND 8" WATER LINE

12. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as W. T. Weaver Boulevard 10" and 8" Water Line.

The City Manager read the resolution.

A discussion was held relative to the need for a sewer line in the W. T. Weaver Boulevard area. Councilman Boland said the City needs to give the sewer line more consideration because of proposed developments in the area. The City Manager said the Metropolitan Sewerage District has placed this sewer line on a high priority basis and the City is pushing for state, federal and private funding for this sewer line.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-98 was unanimously adopted.

Complete text of Resolution No. 81-98 will be found in Resolution Book No. 12 at page 386.

BIDS - "SDR-35 PVC PIPE FOR STREET DIVISION"

13. Consideration was given to bids received April 24, 1981, for "SDR-35 PVC Pipe for Street Division."

The City Manager presented the bids. He said six (6) bids were received for materials for the Haywood Street Drainage Project. He said timely delivery is of the utmost importance. He said a recommendation has been received for the acceptance of the bid submitted by Silverman Company in the amount of \$10,993 based on the delivery specified and the total cost. He said no delivery date was quoted on the lowest bid received.

Councilman Cole moved to award the bid to Silverman Company in the amount of \$10,993. This motion was seconded by Councilman Brownlee and carried unanimously.

CITY COUNCIL MEETING - MAY 14, 1981 - 4:00 P. M. - ASHEVILLE CIVIC CENTER

14. Councilman Cole moved that the Asheville City Council meeting scheduled for May 14, 1981, be held at 4:00 p.m. in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Boland and carried unanimously.

Thursday - May 14, 1981 - 4:00 p.m.
Asheville Civic Center
Banquet Room

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 7, 1981, meeting.

Upon motion of Councilman Boland, seconded by Councilman Cole, the minutes of the May 7, 1981, meeting were approved as submitted.

PROCEDURE FOR ADOPTION OF RESOLUTIONS AMENDING THE PLANS FOR EXTENSION OF CITY SERVICES INTO THE AREAS KNOWN AS CHUNNS COVE AREA, SWEETEN CREEK AREA, PATTON AVENUE AREA, AND BINGHAM ROAD AREA

2. Attorney Herbert Hyde said "Attorney Jack Stevens and I have advised the Council with respect to the statutory requirements having to do with ordinances of annexation. You have followed those steps required by statute up through and including a public hearing. The purpose of a public hearing is to give the public the opportunity to question and comment, which has been done. It is contemplated by the statute, of course, that City Council would listen to such public comments and then if it found it necessary to make such amendments to its plans or plan that it felt necessary. (Council could) After that public hearing it became necessary, in the view of your attorneys to make certain technical amendments. Some of those to follow the exact wording of the statute, even though you had substantially followed it in the plans to begin with, but your attorneys thought it best that certain amendments be made so that there could be no question but that your intent and purpose was to follow the statutes in those regards and that is a part of the amendments set forth in the resolutions as to each of the four separate areas. In addition to that, there was the necessity of an amendment for the description of the Chunns Cove area. Your attorneys felt it necessary to define and to make some changes in that description to meet the statutory requirements. It does not go beyond the area that was defined - you can't do that - you must stay within the area you started out with - you can have any lesser amount. But that amendment was put into a resolution and now those four resolutions, including those amendments, are before this Council for discussion and for whatever vote the Council takes on it - up or down -

20

PROCLAMATION - PRESERVATION WEEK" - MAY 10-16, 1981

Acting Mayor Price proclaimed the week of May 10-16, 1981, as
"Preservation Week."

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the
meeting adjourned at 5:30 p.m.

Raymond J. Hamilton
MAYOR

William F. Holcomb
CITY CLERK

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-102 was unanimously adopted.

Complete text of Resolution No. 81-102 will be found in Resolution Book No. 12 at page 391.

RESOLUTION NO. 81-103 - RESOLUTION AMENDING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE PATTON AVENUE AREA

5. Consideration was given to a resolution amending the Plan for Extension of City Services into the area proposed for annexation generally described as the Patton Avenue area.

Verl Emrick, Director of Planning, said the amendment would include additional wording required by the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing of water and sewer improvements.

Verl Emrick read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-103 was unanimously adopted.

Complete text of Resolution No. 81-103 will be found in Resolution Book No. 12 at page 393.

RESOLUTION NO. 81-104 - RESOLUTION AMENDING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE BINGHAM ROAD AREA

6. Consideration was given to a resolution amending the Plan for Extension of City Services into the area proposed for annexation generally described as the Bingham Road area.

Verl Emrick, Director of Planning, said the amendment would include additional wording required by the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing of water and sewer improvements.

Verl Emrick read the resolution.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-104 was unanimously adopted.

Complete text of Resolution No. 81-104 will be found in Resolution Book No. 12 at page 395.

Upon inquiry of Councilman Cole, Attorney Hyde and Stevens said in their opinion all the amendments necessary to the service plan had been made.

VERL EMRICK - DIRECTOR OF PLANNING - ADDITIONAL INFORMATION
RELATIVE TO ANNEXATION - ANSWERS/STATEMENTS RELATED TO QUESTIONS
WHICH HAVE ARISEN RELATIVE TO ANNEXATION

that's entirely up to you. But from a legal standpoint, your attorneys believe that those amendments should be considered to the plan. There is no statutory requirement nor is it usually the custom when those amendments are offered for there to be any further public hearing. The public is entitled to hear your discussion and to know what you are doing, but the statutes prescribe that after the public hearing you will contemplate such amendments without further public hearing. Those are now before you. Mr. Mayor does anyone have any questions from Council." He said the amendments would not change the substance of the plans but sets out specifically what the City will do with respect to services.

RESOLUTION NO. 81-101 - RESOLUTION AMENDING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE CHUNNS COVE AREA

3. Consideration was given to a resolution amending the Plan for Extension of City Services into the area proposed for annexation generally described as the Chunns Cove area.

Verl Emrick, Director of Planning, said the amendments deals with corrections in errors in distances and percentages described in the contiguity requirement of Chunns Cove area. He said the amendment does not reduce or expand the proposed area. He said the amendment also deals with declaration of assurance of fire protection and financing of water and sewer improvements.

Verl Emrick read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-101 was unanimously adopted.

Complete text of Resolution No. 81-101 can be found in Resolution Book No. 12 at page 389.

RESOLUTION NO. 81-102 - RESOLUTION AMENDING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE SWEETEN CREEK AREA

4. Consideration was given to a resolution amending the Plan for Extension of City Services into the area proposed for annexation generally described as the Sweeten Creek area.

Verl Emrick, Director of Planning, said the amendment would include additional wording required by the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing the water and sewer improvements.

Verl Emrick read the resolution.

Upon inquiry of Attorney Jerry Crow, Mayor Trantham said public comments would not be received during the consideration of the resolution to amend the service plans. He said the City's attorneys will explain the procedure Council will follow in considering the annexation ordinances.

Fire Department responding on an as needed basis according to the existing mutual aid agreement.

Status of Mr. Ben Pace's signs at his business location

The provisions of Article 9 of the Asheville Zoning Ordinance (Ordinance No. 322, as amended) provide that all pertinent signs within the city's jurisdiction would be grandfathered and no changes required. All temporary signs within the jurisdiction would; however, be required to conform to the time restrictions governing the placement of such signs. Finally, if any of the signs within the city's jurisdiction do not conform to location, size, height or numbers of signs and Mr. Pace wishes to replace or modify the sign, all provisions of the ordinance would be complied with.

State maintained roads - Ballantree

Staff is advised that as of this date a portion of Ballantree Drive (approximately 2,500'), Braddock Way and North Braddock Way are state maintained. The remaining portions of the street system have not been submitted to NCDOT for consideration for dedication.

Areas excluded - Crowfield and Ballantree

- (a) Areas in Ballantree which were excluded were not developed for "Urban purposes" as defined by the General Statutes at the time the boundaries were established. It is true that development has occurred since that time, but staff recommends that enlargement of the boundaries not occur at this time.
- (b) The boundary in Crowfields follows Dingle Creek a natural boundary and required by the General Statutes. Development is also occurring on a portion of the area excluded, but again staff does not recommend expansion of the boundary.

Vice-Mayor Morris noted that anyone being excluded from annexation could petition the City to annex any particular parcel or parcels.

Garbage - Free Setout and Setback

In order to receive the free setout and setback for hardship cases, such as age, disability or infirmity, the persons who wish this service should obtain a medical statement to the effect of their disability or infirmity and submit the statement along with their request for service to Alfred Hagan, Superintendent of Sanitation Division, Department of Public Works, P. O. Box 7148, Asheville, North Carolina, 28807.

Upon receipt of the request for service, a representative of the Sanitation Division, Department of Public Works will call upon the person requesting the service to confirm the disability or infirmity and if confirmed, schedule the person for the service.

Persons wishing this service may also call the Service and Information Desk at 255-5405 and request the service. After receipt of the request, a representative will call upon the person requesting the service and confirm the disability or infirmity and if confirmed, schedule the person for the service.

7. At the request of Mayor Trantham, Verl Emrick highlighted the following answers or statements relative to questions which have arisen during the time in which annexation has been discussed:

Comparison of Police Services

Information given to staff by the City and County Departments indicate the following:

City of Asheville-County of Buncombe Law Enforcement Comparison

<u>Patrol</u>	<u>Average No. Of Patrol Personnel per Shift</u>	<u>Patrolmen Per Capita</u>	<u>Square Miles of Service Responsibility for each Officer</u>
City	15-30	1 per each 2,387	1.2
County	5-7	1 per each 17,760	103.5

This in staff's opinion indicates that the city can provide better service coverage for its jurisdiction.

Impact upon voluntary spirit

Throughout the City's and County's development, there has never been any indication of an unwillingness to assist the city or county governments in performing its function. Even when annexations have occurred, there has been no evidence of a breakdown of "Community Spirit." Mere lines do not/should not break the strong homogeneity of a community if there is a true spirit of community.

Effect of annexation on industrial growth

In a research effort to determine what effect annexation has had on the industrial location decision process the Planning Department contacted the Cities of Winston-Salem, Charlotte, and Raleigh, who have aggressive annexation policies. All reported that there was first, no out-migration of existing industries due to annexation and second, that no measurable loss of new industrial development could be felt although it is difficult to determine this effect.

In addition, there have been national surveys conducted by Business Week and Fortune magazines on the importance of various factors affecting the choice of plant location. In summary, the surveys showed that the availability of water and sewer services, the availability of empty buildings and the accessibility of skilled labor or of facilities to train the labor force are at the top of the list of considerations for future industrial plant locations. Also, near the top are trucking facilities, good transportation access, and availability of energy. Local taxes appear to have little to do with the decision making process.

What Fire Department would respond to the Racquet Club

First response would be from the Skyland Fire Department with the Asheville

cerning plans for services, and you have done that. Now, the order of business is consideration of the ordinances. The question of whether or not, Mr. Mayor, the Council allows further discussion is a matter of policy for the Council. I would point out, however, that this is a specialized proceeding. That it does lay down a time limit that is between seven (7) and sixty (60) days after the public hearing when you may consider an ordinance. If you kept on hearing the matter beyond sixty (60) days, then you could not pass a valid ordinance. If you acted before the seven (7) days, you could not pass a valid ordinance. Now, with respect to the ordinance itself, this Council may consider on first reading each ordinance and, of course, your regular City Council could advise you with respect to the General Statutes - Chapter 160A, not dealing with annexation particularly, but generally, that if more than one reading were considered that a two-thirds (2/3) vote is required. Your City Charter as I recall it - somewhere in it - has the same requirement, that if you read it more than one time on the same day, it requires a two-thirds (2/3) vote. That is a matter for this Council to determine. I merely advise you with respect to the law in that regard, Mr. Mayor. Now, as to the ordinance, the ordinance requires certain specific findings, again set forth in 160A-49(e) and the subsections thereunder. There are four particular things that it requires, specific findings showing that the area to be annexed meets the requirements of the statutes and then you must also find, and have in the ordinance, a statement of intent on the part of the City Council or the City government to provide services in an area being annexed, as set forth in your plan, which you have just amended in each instance. Then you must have a specific finding in the ordinance that on the effective date of the ordinance, you will have appropriated sufficient money to provide those services which you set out, with the exception of sewer and water lines, you must give those services immediately and as to those you must let the contracts within twelve (12) months from the effective date of the ordinance. It further provides that you will fix the effective date of the ordinance which shall be some day within twelve (12) months from the date you pass the ordinance. It could be the next day or it could be as far away as twelve (12) months, but not beyond that. Mr. Mayor that is briefly the way the situation is from the standpoint of the law. Council have looked at the ordinance. Mr. Stevens and I are of the opinion that from a purely legal standpoint each of the four ordinances comply with the requirements of the statutes. You have stated those things the statute requires, you now have amended the plan so that they comply, it is now a matter for City Council to consider. I may add, Mr. Mayor, and maybe I'm going beyond my function in advising legally, but I do know that my friend and fellow lawyer, Jerry Crow, had risen to speak and I've talked with him. I've seen in the audience some acquaintances and at one time, friends of mine who have spoken or did speak at the public hearing on behalf of groups. I know they are present. I don't know whether they desire to speak or not and you have a fairly large crowd present, some of whom if allowed to, may wish to speak. It is a matter for this Council to determine. You are governed and you are proceeding under a specialized statute touching annexation only. If you desire to allow people to speak, I've spoken to Mr. Crow, and I point this out - if you do - then if you allow one to speak for a group, then I think you should probably allow everybody who wants to speak just to be fair. And, then I also point this out to you, if you allow those who are here to speak without public notice that they would be allowed to there may have been others who would have desired to speak, had they known they could, but that in the end is a policy decision, Mr. Mayor, for this Council. Are there any questions?"

Keeping of Livestock - Commercial farmlands

There are permits required by the City of Asheville, Inspection Division for the keeping of livestock. However, if an individual operates a bona fide commercial farm there is a state law (G. S. 106.701) which indicates that local governing bodies must exempt those requirements. If the individual stops the operation of the commercial farmland then they would be required to meet the requirements of the City of Asheville pertaining to the livestock.

Will there be a change in fire insurance rates on mobile homes if annexation takes place?

There would be a decrease in the insurance rates based upon the higher underwriter's grading. The ratings would be the same as those given any residential structure based upon the cost/valuation of the structure itself.

Apparently there is some question as to whether property fire insurance rates in the City of Asheville are lower than those in surrounding towns and rural fire protection districts. Please be assured that rates are lower in the city limits of Asheville than in any of the adjacent towns or rural fire protection districts.

The National Board of Fire Underwriters gradings of Asheville and other protected districts in this area are as follows:

Asheville	NB Class 4
Biltmore Forest	NB Class 7
Woodfin	NB Class 8
Skyland, Reynolds, North Buncombe, etc.	NB Class 9AA

The lower the National Board rating, the lower the fire insurance rate, everything else being equal.

At this time Mayor Trantham called on Attorney Herbert Hyde to explain the general procedure to follow relative to considering the ordinance for annexation.

Attorney Hyde said "pursuant to the statute and particularly 160A-49(e) the Council is now at the point where consideration of passage of an ordinance of annexation is the next order of business. The statute provides that the Council will have a public hearing and notice must be given of that public hearing so that all interested parties may be heard. That notice was given and a public hearing was held. The statute then provides and it lays down a specific timetable, that no sooner than seven (7) days and no later than sixty (60) days thereafter the City Council shall have the power and authority to consider and to pass an annexation ordinance. It has been, according to my recollection, fourteen (14) days so that you are within the seven (7) to sixty (60) days since the public hearing. Since that public hearing, of course, you have not given notice of any further public hearing to my knowledge. The statute does not require it and requires no further public hearing. It does require City Council, as I mentioned a little while ago, to consider those facts presented at the public hearing and authorizes the Council to amend, as you have amended, each of the resolutions con-

Councilman Cole: "Mr. Mayor, today is a day that I will long remember. Today in Asheville is a day of decision. Today is the day and now is the time all of the chips are down and to be counted. My response on this vote today is one I do not take at all lightly. First some 53,708 citizens living in Asheville, according to the 1980 census count, are looking to me to represent them. True they did not all vote for me in the last City election. However, as I was elected, I have solemnly sworn to represent them and their interests to the best of my ability, "so help me God." We are considering an action today that may make more people new citizens of Asheville. Asheville is the HUB of Western North Carolina. Over many years, Asheville has promoted the general welfare of all of Western North Carolina and especially the development of Buncombe County. When people are sick or injured they come to our Regional Health Centers in Asheville of Memorial Mission Hospital/St Joseph's Hospital. People from everywhere come to the many medical practioners of doctors, medical specialist for medical and mental treatments. People come to Asheville to shop for goods and services, clothes, food, lumber materials, furniture, you name it. Most people in Western North Carolina read our daily newspapers "The Asheville Citizen" in the morning and "The Asheville Times" in the afternoon. Many years ago the Asheville City Council, while Mr. Weldon Weir was our City Manager, ran water lines into South Buncombe and into the Hominy up to Youngs Cove. The purpose was to encourage development of and/in Buncombe County. New industry was encouraged like the fine Gerber Plant that needed lots of water, also needed the fruits and vegetables grown by our farmers, and has provided employment for many people. With the coming of Gerber, many other plants as Ball Brothers came to Buncombe and others too numerous to name. The citizens of Asheville proposed a new airport and asked the Buncombe County residents to support for the airport. The Buncombe County vote was negative so Asheville citizens built the airport at a cost of millions of Asheville tax dollars. A new and larger water supply was needed so the citizens of Asheville financed the building of the North Fork Reservoir. Water has always been provided by the City for our citizens and also citizens in Buncombe County. But the City has not been able to charge more for the City's water to Buncombe County residents as is done in most every major city in North Carolina, where in most cases the rate the County is double that of City users. Why not in Asheville? An act of the North Carolina legislature submitted by late Billy Sullivan, he is dead, but certainly not forgotten because of his Sullivan Act, is still with us. With the repeal of prohibition as a progressive City, Asheville asked Buncombe County citizens to join in voting for alcohol beverages stores. You already know the answer Buncombe County citizens also rejected this. So Asheville voted in the A.B.C. stores. Downtown Asheville for many years has been the largest tax base of Buncombe County. However, in 1972 with the development of the Asheville Mall, our downtown central City Shopping area has deteriorated with the loss of the large department stores. Also, the reduction by the Buncombe County Tax Department of the taxable value of downtown property so that this major Buncombe County tax base has disappeared. During the four years I have been on City Council, we have made, every effort to contain operating costs and reduce cost of governmental services. So that we are down now to the time of put up or shut up.

I would like to read you from Luke, the 16th Chapter.

The Parable of the Shrewd Manager.

ORDINANCE NO. 1217 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE CHUNNS COVE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

8. Consideration was given to an ordinance extending the corporate limits of the City of Asheville into the Chunns Cove Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance. He said the ordinance includes all the amendments made in the service plan by Resolution No. 81-101.

Councilwoman Price noted that the "Club House" has been excluded. She said water and sewer can not be provided above certain topographic areas. She said the owner could petition the City for annexation but it would have to be with the understanding that water and sewer services could not be provided. Mr. Emrick agreed with Councilwoman Price's notation.

Councilwoman Price moved for the adoption of Ordinance No. 1217. This motion was seconded by Councilman Cole.

On a roll call vote of 5-2, Ordinance No. 1217 passed on first reading, with Councilmen Boland and Brownlee voting "no."

The following is a verbatim text of statements made during Council members votes:

Councilman Boland: "I have to vote "no" on this particular ordinance. I think it interferes with our movement toward metropolitan government and the consolidation of services. It is poorly timed. I don't think it is the proper vehicle to solve the City's current fiscal problems."

Attorney Jerry Crow: "Excuse me, Mayor Trantham, is it the decision of Council, you will not allow public comment at this time? I know it's been the pleasure of the Bar and the public, probably on all other ordinances, that the City has considered over the history I've been in this community where you have allowed public comment. I would ask you to consider it with reference to each ordinance. I'm not here with reference to Chunns Cove, I am in reference to the South end of the County and the proposed extension of municipal boundaries to that area. I didn't know whether it was your decision or Council's decision as to whether public comment would be received."

Mayor Trantham: "Mr. Crow, the procedure of the Council in the past, if something comes up, that takes time - a public hearing or explanation of an ordinance that we have given the public the right to make comments and general procedure in the past. This has been going on for over a year now and has had public hearings. We've had Mr. Emrick go out in the four areas and explain the procedures. If you have something that hasn't been said, that is new, then we might consider that fact - if it is something that has not been said - there is no use to rehash the thing over and over again."

"Mr. Mayor, there is an old World War II saying that comes to my mind. "Pass the ammunition, damn the torpedos, and full speed ahead."

"Today, I cast my vote for the 53,708 citizens of Asheville and annexation.

"My vote is "Aye."

Councilwoman Price: "Aye"

Vice-Mayor Morris: "I'm not going to make a speech as long as Mr. Cole. I do have a few comments that I'd like to make. I'm sorry that the differential in taxes that one pays if he lives in the City are as large as they are. We have worked and plead with the County Commissioners to remove some of these. The problem is not the cost of City services. The problem is the fact that when you become a resident of the City, you'll continue to pay for County services that you no longer receive. I am sorry that you are not happy with annexation. I do believe that the City must grow and I must support this. I promise you that I will ask you to pay no tax that I don't pay. I'll not ask you to pay tax at a higher level than those I pay and I'll promise you that you will receive no less services than I receive from the City. So I'm only asking you to join me as an equal. We're not doing something to you that is not being done to us at the same time. 'Aye'."

Councilman Wilkes: "Mr. Mayor, I have a little prepared statement I'd like to read. I had to sit in the public hearing up until 11:00 o'clock being lambasted, but I have a statement I'd like to make at this time. Mr. Mayor and members of this Council and to the assembled citizens, after much duress and meditation I have denoted some of the following points. I have noticed that many of our more affluent people have moved to the periphery of the City, but yet continue to enjoy all the privileges of the City. When our people move out of the City, it leaves vacancies within the City that becomes occupied by those less likely to maintain the property and creates another blighted area within our City. In a personal survey, I found in many of our businesses that 6 out of 10 employees were not citizens of Asheville. The Sullivan Act has hampered the growth of this City for many years and many industries have ventured to this area because of our water which the City has provided. The tax base has many elements of inequity which must be addressed. The City of Asheville must maintain and retain a population of 50,000 or more. In 1960 the U. S. Census showed more than 60,000 citizens in Asheville, yet in 1980 the census reports less than 54,000. These people have not gone anywhere. Early morning Patton Avenue indicates that they are still here. Out of the long illustrious history that has been enjoyed by Asheville, it should not be tarnished by reverting to township, but should continue to grow and develop all of its resources. God has blessed us within the confines of these mountains. He has caused them to echo with laughter and joy, pure water and a moderate temperature, beautiful scenery and beautiful harvest, friendly neighbors, and overall viable City. I feel that anyone that has seen all the aforementioned properties and enjoyed the majestic beauty of this City called Asheville cannot in good conscience deny the City its legislative rights to annex. Mr. Mayor, I vote 'yes'."

Councilman Brownlee: "Before I vote on the four sections of Buncombe County to be brought into the City by annexation, I have a few remarks I'd

Luke 16:6

Jesus told his disciples: "There was a rich man whose manager was accused of wasting his possessions. So he called him in and asked him, 'What is this I hear about you? Give an account of your management, because you cannot be manager any longer.'

"The manager said to himself, 'What shall I do now? My master is taking away my job. I'm not strong enough to dig, and I'm ashamed to beg- I know what I'll do so that, when I lose my job here, people will welcome me into their houses.'

"So he called in each one his master's debtors. He asked the first, 'How much do you owe my master?'

"Eight hundred gallons of olive oil, he replied.

"The Manager told him 'Take your bill, sit down quickly, and make it four hundred.'

Luke 16:7

"Then he asked the second, 'And how much do you owe?'

"A thousand bushels of wheat, he replied.

"He told him, 'Take your bill and make it eight hundred.'

"The master commended the dishonest manager because he had acted shrewdly. For the people of this world are more shrewd in dealing with their own kind than are the people of the light. I tell you, use worldly wealth to gain friends for yourselves, so that when it is gone, you will be welcomed into eternal dwellings.

"Whoever can be trusted with very little can also be trusted with much, and whoever is dishonest with very little will also be dishonest with much. So if you have not been trustworthy in handling worldly wealth, who will trust you with true riches? And if you have not been trustworthy with someone else's property, who will give you property of your own.

"No servant can serve two masters. Either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve both God and money."

"Mr. Mayor, as I have said, this has weighed on me very heavily. I have a number of friends out there - I had a number of friends out there - But this is not a light step for me to cast this ballot. But the time is to cast the vote - the chips are down. I know we have talked and come up with the theory of a consolidated municipal City and County government. I look out there and I don't see the white horse with the rider coming across the hill at this time. So Mr. Mayor I think the buck stops right here. I think today, May 14, I must be counted. Annexation by the City will start the ball rolling to provide the proper growth for our City and services to our citizens.

Mayor Trantham: "Mr. Crow, I think that this thing has been discussed enough. We have followed all the rules and regulations. I think that everyone at the public hearing was given a right to speak. I see no use of any further discussion at this time. I asked if you had something new that has not been asked, I will recognize you to do that."

Attorney Jerry Crow: "Mr Mayor and members of Council, I do not know whether members of Council took part in it or not, but I do know since the public hearing an ad was run in the paper as to "Asheville needs annexation - please read this - Facts and why" and I believe your name was at the bottom of that ad. It appears that members of Council or you, on your own, have elected to discuss it more beyond the public hearing by going to the public with an ad of this nature. As a result, I feel like the public should be able to reply and respond. Frankly, I am shocked and I'm disappointed."

Mayor Trantham: "The fact is that, this has been discussed, we had a public hearing. You have had plenty of time to discuss this matter and address this Council and I had a perfect right to express my felling. Therefore, I don't see any use of going back into this thing and discuss it time and time again since everyone has had a chance to discuss it."

Attorney Crow: "Only pulling out, Mr. Mayor, that in the history of appearing before this fine Council, you have always taken public comment at the time of adoption of ordinances. Why you have elected to waive it this time, why you have elected to accelerate the reading on this particular occasion, I am frankly shocked and its unexplainable to me."

Mayor Trantham: "Mr. Crow, did we not give you that privilege at the public hearing. Did you not have the privilege of addressing Council."

Attorney Crow: "Sir, the privilege was there and we appreciate you granting it, but I just don't understand the concern of trying to stifle opinions at this point and time when you never have before in the history of the Council."

Mayor Trantham: "Thank you, Mr. Crow, we appreciate it."

Vice-Mayor Morris moved for the adoption of Ordinance No. 1218. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-2, Ordinance No. 1218 passed on first reading with Councilmen Boland and Brownlee voting "no."

Councilwoman Price moved to suspend the rules and proceed to the second of Ordinance No. 1218. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1218 passed on second reading with Councilmen Boland and Brownlee voting "no."

Councilwoman Price moved to suspend the rules and proceed to the third of Ordinance No. 1218. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-2, Ordinance 1218 passed on third and final reading, with Councilmen Boland and Brownlee voting "no."

like to make. Mr. Mayor and members of the Council, I have no hard feelings against any member of the Council or any member of our administrative force of the City of Asheville. I have several reservations with this matter I'd like to make. In the first place, I do not agree with the Planning Division of the City of Asheville with some of these areas. I do not agree with taking into the City some of the farm areas and skipping some of the property adjoining these areas such as the Racquet Club and other areas. When annexation was first brought to the Asheville City Council, I was told that some areas in the Patton Avenue section would not be considered for annexation and I made myself very clear in this matter. I told some of the residents that contacted me that this area was not going to be annexed. The next time I was contacted by the residents of this area, I was advised that the people were told that this area was to be annexed. They received this information from the man that was picking up their garbage. The City Administration had not advised me on this change and it was rather embarrassing to me. I have not been contacted by any group of citizens of the City or County residents or any individual as to how I would vote on this issue. I made up my own mind and that is the way I will vote on this matter. When I sit on this Council, I forget about politics. I vote my conscience and I ask the good Lord to tell me how I should vote and I hope that I'm voting right. I know that the City has to grow, but I think the time and the way this thing was drawn up is wrong. So, my vote would be 'no'."

Mayor Trantham: "Aye."

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1217. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1217 passed on second reading with Councilmen Boland and Brownlee voting "no."

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1217. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1217 passed on third and final reading with Councilmen Boland and Brownlee voting "no."

Complete text of Ordinance No. 1217 will be found in Ordinance Book No. 9 at page 221-223.

ORDINANCE NO. 1218 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE SWEETEN CREEK ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

9. Consideration was given to an ordinance extending the corporate of the City of Asheville into the Sweeten Creek Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance.

"talk" which is all we have heard of the 1976 Local Government Study Commission, then I must continue to vote in favor of the 53,708 citizens in the City of Asheville."

Councilman Cole moved for the adoption of Ordinance No. 1220. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 5-2, Ordinance No. 1220 passed on first reading with Councilmen Boland and Brownlee voting "no."

Councilman Wilkes moved to suspend the rules and proceed to the second of Ordinance No. 1220. This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1220 passed on second reading with Councilmen Boland and Brownlee voting "no."

Councilman Cole moved to suspend the rules and proceed to the third of Ordinance No. 1220. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-2, Ordinance 1220 passed on third and final reading, with Councilmen Boland and Brownlee voting "no."

Complete text of Ordinance No. 1220 will be found in Ordinance Book No. 9 at page 232-234.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Approval of bids received May 5, 1981, for a Diesel Air Compressor.

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by Mitchell Distributing Company in the amount of \$10,716.16.
Funding: General Revenue Sharing Fund - Street Division - Account Code 50-15-427.0074.

- B. Approval of bids received May 6, 1981, for fire service nozzle accessories.

HIGHLIGHTS: Five (5) bids were received. Recommendation of acceptance of low bid submitted by Action Fire and Safety, Inc., in the amount of \$6,911.68.
Funding: General Revenue Fund, Fire Department Account Code 50-40-470.0038.

Complete text of Ordinance No. 1218 will be found in Ordinance Book No. 9 at page 224-228.

ORDINANCE NO. 1219 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE PATTON AVENUE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

10. Consideration was given to an ordinance extending the corporate limits of the City of Asheville into the Patton Avenue Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1219. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 5-2, Ordinance No. 1219 passed on first reading with Councilmen Boland and Brownlee voting "no."

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1219. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1219 passed on second reading with Councilmen Boland and Brownlee voting "no."

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1219. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-2, Ordinance No. 1219 passed on third and final reading, with Councilmen Brownlee and Boland voting "no."

Complete text of Ordinance No. 1219 will be found in Ordinance Book No. 9 at page 229-231.

ORDINANCE NO. 1220 - ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE BINGHAM ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

11. Consideration was given to an ordinance extending the corporate limits of the City of Asheville into the Bingham Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance.

Councilman Cole: "Mr. Mayor, it has been thought that I say too much and perhaps I have. I for one would like very much to sit down with citizens from all sections of Asheville and Buncombe County to discuss the merger of the City and County governments. But until we get into something more than

Thursday - May 21, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Acting Corporation Counsel Robert J. Robinson, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore (vacation).

INVOCATION

Councilman H. C. Wilkes introduced Dr. W. A. (Bill) Jones, President of the National Black Pastors Association and Pastor of the Bethea Baptist Church in New York, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 14, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, the minutes of the May 14, 1981, meeting were approved as submitted.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

2. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager presented the budget amendment in the amount of \$44,064 to provide additional funds to complete an extension of the Haywood Road Sewer Line project in the West Asheville Community Development area.

Councilwoman Price moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

3. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
136	Residential	2,700	3,305	Mr. & Mrs. Curtis Shade
142	Residential	2,000	2,452	Ms. Vera B. Crenshaw

Councilman Wilkes moved to approve the sale of the disposal parcels in the East Riverside Renewal Project as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

- C. Approval of bids received March 13, 1981, for one Sewer Maintenance Machine.

HIGHLIGHTS: Two (2) bids were received. Recommendation of acceptance of low bid submitted by Public Works Equipment and Supply, Inc., in the amount of \$89,367.00. Funding: Water and Sewer Department - Maintenance and Repair Sewer Activity - Account Code 30-50-730-734.0074.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the consent agenda was unanimously approved.

REQUEST BY COUNCILMAN WILKES - CHANGING NAME OF STREET - TOLULA LANE TO OLD "ASHLAND AVENUE"

13. Councilman Wilkes said that Council recently adopted a resolution changing the name Tolula Lane to "Old Ashland Avenue." He suggested that a sign be erected on the street stating that the name of the street is "Old Ashland Avenue" as soon as possible.

CLAIMS - ANNETTE OGLE - TED HAMMOND - PATRICIA WOOD - HAL CUMBOUGH

The City Manager presented claims received from Annette Ogle, Ted Hammond, Patricia Wood, and Hal Cumbough.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the meeting adjourned at 6:15 p.m.


MAYOR


CITY CLERK

7. The City Manager said a hearing had been scheduled relative to the appeal of W. B. Allison from the Board of Trustees of the Asheville Policemen's Pension and Disability Fund for May 28, 1981. He said Mr. Allison's attorney has contacted the City of Asheville and due to set trial obligations he could not be present at the May 28, 1981, meeting. He said Mr. Allison's attorney has requested that the hearing be rescheduled to June 25, 1981.

Councilman Cole moved to reschedule the hearing for W. B. Allison relative to an appeal of the decision of the Board of Trustees for the Asheville Policemen's Pension and Disability Fund for June 25, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDMENT TO ORDINANCE NO. 1208 - REZONING PROPERTY ON LEICESTER HIGHWAY

8. The City Manager said a typographical error was made in Ordinance No. 1208, rezoning property on Leicester Highway to Commercial Service District. The typographical error was made only in the ordinance, not in the staff report from Planning and Zoning or the Notice to the Public. A lot number was typed 56 and should have been typed 46. Therefore, a public hearing is needed before the City can adopt an ordinance amending Ordinance No. 1208 to correct the error.

Councilman Boland moved to schedule a public hearing relative to amending Ordinance No. 1208 by deleting Hazel 13, Lot 56 and inserting in lieu thereof Hazel 13, Lot 46 to correct an error made in the ordinance. This motion was seconded by Councilman Cole and carried unanimously.

CLAIMS - CATHERINE HILZ - MARGARET MESSER - JAY COOPER

The City Manager presented claims received from Catherine Hilz, Margaret Messer, and Jay Cooper.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - MAY 28, 1981 - "AMNESTY INTERNATIONAL DAY"

Mayor Trantham proclaimed May 28, 1981, as "Amnesty International Day."

RESOLUTION NO. 81-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE TERMINATION AGREEMENT WITH THE HERTZ CORPORATION

Consideration was given to a resolution authorizing the City Manager to sign a lease termination agreement with the Hertz Corporation.

The City Manager read the resolution stating that the City of Asheville and the Hertz Corporation are parties to a lease agreement entitled "Airport Services Facility Lease" dated May 31, 1979, and the term of the lease extends through May 31, 1999. The Hertz Corporation has requested that the City of Asheville consent to the immediate termination of the lease and the City of Asheville is willing to so consent upon the meeting of certain

RESOLUTION NO. 81-105 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A BLANKET RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF ELIMINATING THE NECESSITY OF ENTERING INTO SEPARATE ENCROACHMENT AGREEMENTS

4. Consideration was given to a resolution authorizing the Mayor to execute a blanket right-of-way encroachment agreement with the North Carolina Department of Transportation for the purpose of eliminating the necessity of entering into separate encroachment agreements.

The City Manager read the resolution explaining that this resolution will permit a blanket encroachment with the North Carolina Department of Transportation for the purpose of eliminating the necessity of having to enter into separate encroachment agreements in order to make water and sewer taps. These taps will be made in compliance with City specifications.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-105 was unanimously adopted.

Complete text of Resolution No. 81-105 will be found in Resolution Book No. 12 at page 397.

RESOLUTION NO. 81-106 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS OLD HAW CREEK ROAD SIX INCH FIRELINE

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Old Haw Creek Road Six Inch Fireline.

The City Manager read the resolution stating that on Tuesday, April 28, 1981, bids were opened on the "Old Haw Creek Road Six Inch Fireline." Huntley Construction Company is the apparent low bidder for this contract in the amount of \$40,015.00. This resolution will authorize a contract with Huntley Construction Company for said project.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-106 was unanimously adopted.

Complete text of Resolution No. 81-106 will be found in Resolution Book No. 12 at page 398.

ANNOUNCEMENT OF PUBLIC HEARING - GENERAL REVENUE SHARING FUND

6. The City Manager said a public hearing will be held on May 28, 1981, at 4:00 P.M. in the Council Chambers for the purpose of discussing the proposed uses of General Revenue Sharing Funds for the remainder of FY 1980-81 and for FY 1981-82. The City of Asheville will receive approximately \$1,394,000 in General Revenue Sharing Funds in FY 1981-82 and has \$804,851 in unappropriated General Revenue Sharing Funds. He said at this public hearing citizens are invited to offer oral or written comments.

RESCHEDULING OF HEARING - APPEAL OF W. B. ALLISON RELATIVE TO POLICE PENSION DISABILITY

Thursday - May 28, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 21, 1981, meeting.

Upon motion of Councilman Boland, seconded by Councilman Cole, the minutes of the May 21, 1981, meeting were approved as submitted.

LETTER TO R. CURTIS RATCLIFF - BUNCOMBE COUNTY COMMISSIONER
-RELATIVE TO WATER AGREEMENT

Mayor Trantham read the following letter which was delivered to R. Curtis Ratcliff, Chairman of the Buncombe County Commissioners:

The Honorable R. Curtis Ratcliff
Chairman, Buncombe County Commissioners
Post Office Box 7435
Asheville, North Carolina 28817

Dear Curt:

Enclosed herewith are signed copies of the letters you had prepared for the General Assembly Delegation pertaining to repealing a section of House Bill 794 having to do with a legal matter pertaining to the water agreement. As I understand it, the Board of Commissioners want to avoid a public hearing on this matter and a potential risk of a called referendum by 25 voters by this particular section of the law being repealed by the General Assembly. Since this really only involves the County's legal responsibility and does not have anything to do with the City, I do not feel I should object if this is the way you prefer to handle this business.

On another matter and considerably more important than this legal technicality, is the water agreement itself. On behalf of the City Council, I want to say that we are solidly behind the concept of the City/County Water Agreement and we would like to proceed with the signing of an agreement as soon as practical.

conditions. The Hertz Corporation has agreed to the conditions set forth by the City of Asheville and this resolution will authorize the execution of the lease termination agreement.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-107 was unanimously adopted.

Complete text of Resolution No. 81-107 will be found in Resolution Book No. 12 at page 399.

ANDREA AUSTIN - COMMENTS RELATIVE TO SIDEWALKS DOWNTOWN

Andrea Austin commended Council for the work done on the brick sidewalks downtown.

RALPH BISHOP - COMMENTS RELATIVE TO THE RECENT ANNEXATION

Ralph Bishop spoke to Council in opposition to the recent annexation ordinances adopted by the City Council.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 4:35 p.m.


MAYOR


CITY CLERK

The Honorable James McClure Clarke
Senator
The State Senate
Legislative Building
Raleigh, North Carolina 27611

Dear Senator Swain:

As you know, we are anxious to finalize the water agreement reached between our entities. The bond attorneys have directed our attention to House Bill 794, Chapter 618 of the 1951 Session Laws. This Bill in part provides that before the Commissioners of Buncombe County may enter into a contract for the sale of water in a water district . . . they shall cause a written notice to be published in Buncombe County and to have a meeting to consider suggestions with respect to such contract and objections to the execution thereof of not less than 30 nor more than 40 days after the first publication of the notice. The Bill further provides that if at the hearing written objection to the execution of the contracts is filed by 25 qualified voters of the district affected, then the Commissioners shall be without power to execute the contract unless and until it has been approved by the qualified voters of the water district so affected.

The Board of Commissioners has not begun publishing of a notice to comply with this provision of the law believing that perhaps the more prudent approach would be to simply repeal this Bill to avoid the requirements set forth therein.

We, the Board of Commissioners and the City Council, believe that the interest of the City and County would be served by an expeditious execution of the water agreement and that this legal impediment to the execution of the same should be removed and we herewith join in requesting the legislature to take such action as may be appropriate as to eliminate the same.

Sincerely,

R. Curtis Ratcliff
Chairman, Board of
Commissioners for the
County of Buncombe

Roy M. Trantham, Mayor
City of Asheville

RCR:dgs

THIS LETTER WAS ALSO SENT TO:
The Honorable Robert S. Swain
The Honorable Gordon Greenwood
The Honorable Marie W. Colton
The Honorable Martin Nesbitt, Jr.
The Honorable J. Narvel Crawford

However, in the past few weeks, there are several matters that have come up that we should resolve in order for us to move ahead with the signing. Briefly, these matters are as follows:

- 1) A final draft of the Agreement should be developed as soon as possible taking into consideration the final option of the bond attorney and the Local Government Commission.
- 2) That as a result of matters beyond our control pertaining to the need for the City to proceed with natural growth under routine state annexation law, we feel that some language should be added, in an appropriate section of the Agreement, that in the event we are denied normal growth, that would affect the condition of the Agreement.
- 3) That as a result of matters beyond our control pertaining to special local legislation being considered by the General Assembly Delegation dealing with Metropolitan Government, we feel that some language should be added, in an appropriate section of the Agreement, that in the event we are required to submit to special local legislation along these lines, that would affect the conditions of the Agreement. The Council believes as do the County Commissioners, that Metropolitan Government, is a local matter not one to be mandated by special local legislation by the General Assembly. We have come up with a practical way to handle this and we should pursue it.
- 4) This week the Council informally acted to consider a 30% water rate increase effective July 1, 1981. Our reasons for doing this were that the proposed water budget for 1981-82 showed a deficit balance, no funds for capital expense were available, and too little money was left in unappropriated fund balance. In the absence of having received a budget recommendation from the Water Authority, we feel that this preliminary step is necessary to proceed with normal budget functions of operations City departments.

We look forward to getting together soon to discuss these in detail.

Very truly yours,

Roy M. Trantham
Mayor

RMT/prw
CC: Asheville City Council
Buncombe County Commissioners

Enclosure

Letter to James M. Clark dated 5/12/81 from R. Curtis Ratcliff and Roy M. Trantham

Corporation Counsel William C. Moore read the resolution.

Attorney Jan Grimes said it was his understanding that the Water and Sewer Department has requested a permanent easement for water lines on the streets proposed to be closed. He said the easement has not, as of this date, been executed by all parties but he did not anticipated any problems with the execution of the easement.

The City Clerk, William F. Wolcott, Jr., suggested that Council continue the public hearing until such time as Attorney Grimes has the deed of easement on the water lines executed.

Councilman Wilkes moved to continue the public hearing until the deed of easement has been executed. This motion was seconded by Councilman Boland and carried unanimously.

PRESENTATION OF THE 1981-82 BUDGET FOR THE CITY OF ASHEVILLE

5. Presentation of the 1981-82 Budget for the City of Asheville.

The City Manager highlighted the following budget message and attachments thereto:

May 28, 1981

The Honorable Mayor and
Members of City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor and Members of Council:

Submitted herewith are the budget estimates for Fiscal Year 1981-82, which begins July 1, 1981. The budget was prepared according to the provisions of the Local Government Budget and Fiscal Control Act, as amended.

In accordance with this act, a copy of the budget will be filed in the office of the City Clerk, "where it shall remain available for public inspection until the budget ordinance is adopted." The act also requires that the City Clerk publish a statement that the budget has been submitted to the governing board and is available for public inspection in his office. The statement shall also give notice of the time and place of a required public hearing. As a matter of local practice, the budget ordinance requires three readings before adoption. The law requires that it be adopted "not earlier than ten days after the budget is presented to the board and not later than July 1, 1981." Changes may be made in the budget at any of the three readings.

**PUBLIC HEARING - PROPOSED USES OF GENERAL REVENUE SHARING FUNDS
- REMAINDER FY 1980-81 AND FY 1981-82**

3. A public hearing was held relative to the proposed uses of General Revenue Sharing Funds for the remainder of FY 1980-81 and for FY 1981-82.

Mayor Trantham opened the public hearing at 4:11 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Robert Wurst, Audit and Budget Director, said the General Revenue Sharing guidelines require that a public hearing be held relative to the proposed uses of General Revenue Sharing Funds before the presentation of the annual budget for the City. He said the purpose of the public hearing is to present staff proposals for uses of the General Revenue Sharing Funds and to hear comments relative to the proposed uses. He said the actual budget hearing on the City of Asheville 1981-82 Budget is anticipated for June 11, 1981.

Mr. Wurst said there is a budget amendment on today's agenda appropriating Federal Revenue Sharing Funds in the amount \$682,814 for additional capital outlay items requested by the City departments. He said this amendment is due to action taken by Congress to continue General Revenue Sharing funding. He said capital outlay items have been re-prioritized and items that were not funded in the regular budget will be funded under the additional General Revenue Sharing funding. He said the City of Asheville will receive approximately \$1,324,000 in General Revenue Sharing Funds in Fiscal Year 1981-82.

A discussion was held relative to the proposed uses of the General Revenue Sharing Funds as to whether they would be used for capital outlay equipment or the general operations of the City. Mr. Wurst said that part of the General Revenue Sharing Funds will be used for basic replacement of equipment for on-going needs.

Ralph Bishop spoke in opposition to using Federal Government Funds to subsidize a "corrupt" police department.

Mayor Trantham closed the public hearing at 4:23 P.M.

**PUBLIC HEARING - CLOSING A PORTION OF ELMWOOD (ALSO KNOWN AS
ELWOOD STREET), JACKSON AVENUE AND SHARON ROAD**

4. A public hearing was held relative to closing a portion of Elmwood (also known as Elwood Street), Jackson Avenue and Sharon Road.

Mayor Trantham opened the public hearing at 4:24 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

1. We are still planning to use approximately \$473,000 of reserves that will not be available next year. Therefore, our goal should be to balance the next fiscal year's operating expenses with the next fiscal year's revenue receipts. To meet that goal we need an additional \$1,426,000 of revenues in fiscal year 1981-82. (See Attachment II, 5 Year Projection of General Fund.)
2. The budget is still too dependent on federal funds, principally revenue sharing, for routine equipment and maintenance.
3. Because of limited capital reserves we cannot do an adequate job of maintenance to streets, sidewalks, buildings, etc. In fact, at this point in the budget there is no appropriation for street resurfacing in fiscal year 1981-82. (See Attachment IV, Capital Needs Expected Over the Next Years, Attachment IX, General Revenue Sharing 1981-82, Attachment X, Sinking Fund Balance 1981-82.)
4. The budget plan does not adequately fund a number of known contingencies such as:
 - a) a potential law suit dealing with annexation and a consequent delay in receiving ad valorem tax revenues from newly annexed areas,
 - b) the settlement of the Cauble suit which may require Council to decide whether approximately \$400,000 of the \$1 million fund balance will be used for that purpose or whether we must set that amount aside as a budget item,
 - c) finalizing the water agreement,
 - d) providing funds for the Downtown Commercial Complex beyond the study phase should the Council decide to proceed further with implementation, and
 - e) a potential bill in the General Assembly that could delay the effective dates of annexation.
5. Some of the unknown contingencies could be:
 - a) a legal action by a utility company as happened in 1978-79 which held up tax payments of \$310,000,
 - b) inflation - particularly if fuel and utility prices go beyond our estimates, and
 - c) severe weather conditions.
6. Our General Fund contingency is only \$100,000.

Our approach to this budget has been a team effort of employees and council working together. The budget reflects the following decisions regarding the general fund and water fund:

1. We retained \$1 million in cash flow (unappropriated fund balance - an amount equal to about two weeks operations).
2. There are no layoffs and no major service cuts.
3. We transferred the 1939 Police Pension obligation from Revenue Sharing to the General Fund.
4. Based on an informal council decision May 26, 1981, a 10¢/\$100 valuation ad valorem tax increase has been budgeted as a revenue. This would amount to \$854,159 to offset money that would have been taken from capital fund savings to pay for operations. It is noteworthy that the last ad valorem tax increase was July 1, 1977, and that increase was 5¢. (See Attachment VII, City of Asheville Comparative, and Attachment VIII, Tax Burden and Sample City Residents - Tax Increase Effects.)
5. Based on an informal council decision May 26, 1981, water rates will be increased 30% to create a realistic water/sewer capital fund. The last water rate increase was July 1, 1979, and that was a 40% increase. (See Attachment VI, Five Year Projection of the Water Fund.)
6. There is a 5% salary scale adjustment planned for July 1, 1981, and a continuation of current fringe benefits for employees.
7. The budget reflects the decision to annex effective June 30, 1981, areas commonly known as Bingham Road, Chunns Cove, Sweeten Creek Road and Patton Avenue.
8. Several fees and charges recommendations, principally part of a study done by the Management Improvement Corporation of America (MICA) are budgeted. These are listed in Attachment I. These changes are planned to be enacted by separate resolution or ordinance action by the Council.
9. The budget assumes that the City/County Water Agreement will be put into effect.
10. The water fund permits completion of the water and sewer annexation obligation to the four areas listed in item 7 above. The water fund also permits starting construction of a new operations facility on Valley Street and funds for renovation of the Bee Tree Dam to meet the federal dam standards.

While the overall budget reflects some very positive things there are still several matters that we need to consider further.

termine if we can fill it by transferring the work to an existing, a lower, or a part-time position.

- A freeze has been placed on further hiring and promotions in the Fire Department until we complete a major study being made by MICA.
- Two operations are on a 4-day work week in order to save energy during daylight savings time.
- The Police Department uses an expeditor approach to cut down on unnecessary travel.

Some comparisons of costs in the 1976 budget to the 1980 budget

	<u>1976</u>	<u>1980</u>	<u>%</u>
<u>C.P.I</u>	170.5	258.4	51.6%
<u>Total Positions</u>	936	885	
<u>Fringe Benefits</u>			
FICA	\$278,000	\$569,000	
Pensions	360,000	913,000	
Group Insurance	200,000	467,000	
Cost/Employee	<u>\$ 895</u>	<u>\$ 2,202</u>	146%
<u>Operating Costs</u>			
Street Lighting	492,000	665,000	35%
Gasoline			
Avg./Gal.	\$.355	\$ 1.210	
# Gallons	512,000	425,000	
Cost	<u>\$181,760</u>	<u>\$514,250</u>	183%
<u>Capital Costs</u>			
Police Car	3,900	6,500	67%
1000 GPM Pumper	50,000	95,000	90%
Garbage Truck	35,000	60,000	71%
Street Sweeper	49,500	82,000	66%

7. Federal budget decisions may affect the bus system, roads, etc.
8. State budget decisions may affect roads, public works, etc.
9. In a time when revenue projections should be under estimated and operating expenses over estimated, we have tended to lean in the opposite direction.
10. We will no longer have the use of fund balance, pension reserves and capital fund savings which in the past have produced investment earnings in excess of \$355,000 per year - more than 4% on the tax rate.

Some facts about the 1981-82 budget

- More than \$90,472 has been absorbed for operating the Senior Opportunity Center (since this was the last year for funding that program under Community Development) and for some other community center operations not fully staffed last year.
- A 3-year program has been put into effect to reduce the Inspection Division staff from 28 to 23 and to cross train inspectors.
- In several divisions, we are budgeting vacancies that we assume will occur for the length of time it takes to fill those jobs.
- The City will settle a majority of outstanding worker's compensation claims.
- Labor needs have been shifted to hiring for peak demands, eliminating full-time positions when vacancies occur and using part-time employees when possible.
- Several functions have been consolidated.
- \$102,584 has been absorbed into the General Fund for new engineering costs as a result of the water agreement.
- The ad valorem tax barely pays for police, fire and garbage collection.

	<u>Appropriations</u>	<u>Ad Valorem Tax Revenue</u>
Police Department	\$3,940,217	
Fire Department	3,325,036	
Sanitation	1,411,490	
Total	<u>\$8,676,743</u>	<u>\$9,267,485</u>

- Chestnut Street Bridge will remain closed.
- Organization and reorganization will continue to be key elements particularly when vacancies occur. We will evaluate each position to de-

CITY OF ASHEVILLE
FISCAL 1981-82 ANNUAL OPERATING BUDGET
CONSOLIDATED BUDGET SUMMARY
REVENUES

FUND NUMBER	1979-80	1980-81		1981-82	
	ACTUAL	BUDGET	ESTIMATE	REQUESTED	RECOMMENDED
General Fund 10	15,786,754	17,716,662	17,462,358	16,191,066	19,888,378
Civic Center Fund 13	639,443	818,160	765,183	801,941	864,893
Parks and Recreation Fund 14	1,873,370	2,237,581	2,209,891	2,205,556	2,316,426
Sub-Totals - General Funds	18,299,567	20,772,403	20,437,432	19,198,563	23,069,697
General Debt Service Fund 20	-	-	-	1,051,641	1,051,641
Water & Sewer Operations Fund 30	6,416,337	7,397,428	8,123,951	6,700,282	8,764,341
Revenue Sharing Fund 50	1,572,929	1,309,030	1,965,597	1,444,000	1,463,724
Sub-Totals - All Funds	26,288,833	29,478,861	30,526,980	28,394,486	34,349,403
Less - Interfund Transfers	(2,473,463)	(3,264,096)	(3,166,850)	(4,015,023)	(4,599,999)
TOTAL - All Funds	23,815,370	26,214,765	27,360,130	24,379,463	29,749,404

Conclusion

No budget is easy, and no budget should be final. It should be viewed as the general plan of activity for the year indicated, capable of being adjusted to the unexpected. The management goal for the year will be to cut an additional 2.5% (\$422,000) out of expenses between July 1, 1981, and June 30, 1982, and to insure that revenues are at least as high as the budget anticipates.

Our department and division heads deserve particular recognition for their efforts and cooperation in preparing their respective elements of this budget. I firmly believe that this and greater overall efficiency in delivering municipal services are positive results of my emphasis on decentralized management accountability and responsibility. Special recognition for direct assistance in preparation and production of the budget is given to the Employee Services Department, Data Processing Division, Accounting Division, the Finance Department, Print Shop personnel, the Department of Administration, and to the City Council for their long hours of deliberation over this budget.

Respectfully submitted,

K. M. Michalove
City Manager

KMM:prw

City of Asheville
Fiscal 1981/82 Budget
General Fund - Departmental Summary

Department	Fiscal 1979-80	Fiscal 1980-81		Fiscal 1981-82
	Actual	Budget	Estimated	Proposed
Council/Manager	182,068	202,456	201,853	223,413
Administration	160,610	222,712	188,262	248,556
Inter/Extra Governmental Services	1,246,964	1,457,665	1,471,368	1,177,137
Non Departmental	176,404	396,862	73,535	1,094,771
General Debt Service	420,070	1,061,702	991,702	813,945
Finance	748,455	673,646	692,863	768,291
Public Works	4,613,756	4,959,953	5,077,618	5,265,501
Employee Services	239,277	317,740	324,252	343,886
Planning	145,267	213,832	189,250	181,063
Police	2,666,970	3,072,490	3,119,271	3,940,217
Fire	2,581,333	2,828,022	2,943,547	3,325,036
Economic Development	0	40,000	15,000	55,000
Intergovernmental Transfers	1,668,840	2,269,582	2,173,837	2,451,562
Fund 10 Total	14,850,014	17,716,662	17,462,358	19,888,378

CITY OF ASHEVILLE
FISCAL 1981-82 ANNUAL OPERATING BUDGET
CONSOLIDATED BUDGET SUMMARY
EXPENDITURES

	FUND NUMBER	1979-80	1980-81		1981-82		
		ACTUAL	BUDGET	ESTIMATE	REQUESTED	RECOMMENDED	APPROVED
General Fund	10	14,850,014	17,716,662	17,462,358	18,580,280	19,888,378	19,888,378
Civic Center Fund	13	656,393	818,160	765,183	854,207	864,893	864,893
Parks and Recreation Fund	14	<u>1,873,142</u>	<u>2,237,581</u>	<u>2,209,891</u>	<u>2,361,562</u>	<u>2,316,426</u>	<u>2,316,426</u>
Sub-Totals - General Funds		17,379,549	20,772,403	20,437,432	21,796,049	23,069,697	23,069,697
General Debt Service	20	-	-	-	1,051,641	1,051,641	1,051,641
Water & Sewer Operations Fund	30	5,891,616	7,397,428	8,123,951	6,795,813	8,764,341	8,764,341
Revenue Sharing Fund	50	<u>1,529,199</u>	<u>1,309,030</u>	<u>1,965,597</u>	<u>592,866</u>	<u>1,463,724</u>	<u>1,463,724</u>
Sub-Totals - All Funds		24,800,364	29,478,861	30,526,980	30,236,369	34,349,403	34,349,403
Less - Interfund Transfers		<u>(2,473,463)</u>	<u>(3,264,096)</u>	<u>(3,166,850)</u>	<u>(4,015,023)</u>	<u>(4,599,999)</u>	<u>(4,599,999)</u>
TOTAL - All Funds		<u>22,326,901</u>	<u>26,214,765</u>	<u>27,360,130</u>	<u>26,221,346</u>	<u>29,749,404</u>	<u>29,749,404</u>

right of way acquisition cost to the State in the 1981-82 budget, most of which are continuing commitments, is \$222,000.

Vice-Mayor Morris said it was beyond him why the City taxpayer must pick up part of the cost of the right of way for the major roads that go through the City and the County taxpayer does not have to pay any of the cost. He said the State pick ups the County's share for right of way cost. He said the Council should talk to the legislators about this problem. He said there is no reasonable reason for the city taxpayer to pay for right-of-way acquisition cost when the County taxpayer does not.

Upon inquiry of Mayor Trantham, Corporation Counsel Moore said he hoped the Cauble suit would be settled within the next three to four months.

Councilman Wilkes said for some time the downtown property has been lying dormant and wanted to know what the City was doing, at this point, about the Downtown Commercial Complex.

In response to Councilman Wilkes, the City Manager said the City is still working with the Strouse-Greenberg Company. He said the main reason the Council decided to move the date of the decision up was because the Federal Government has not decided on how much money they are going to put into the program such as UDAG and the State government has not made their decision about the funding of highway projects.

Upon inquiry of the City Manager, the Finance Director and the City auditor said a contingency fund of \$100,000 in the budget is not adequate.

Councilwoman Price asked the City Manager what he anticipated on the percentage of collection of ad valorem taxes.

In response to Councilwoman Price, the City Manager said the percentage is estimated at 93%.

Vice-Mayor Morris said, in his opinion, it would help to increase the percentage of collection if the State legislature would impose a higher penalty for non payment of taxes.

Councilman Boland asked if MICA is studying the feasibility of providing some City services by private concerns.

In response to Councilman Boland, the City Manager said some types of services, particularly the patch work on streets for water cuts has been implemented.

Councilman Boland said in his opinion there may be some significant savings to this type of approach.

Councilman Brownlee asked the City Manager what he meant in the budget message by consolidating several functions.

After discussion, Councilman Boland moved that the City Council not change the proposed 5% salary scale adjustment proposed in the 1981-82 budget for City employees. This motion was seconded by Councilwoman Price and carried unanimously. This action was taken in order for City employees to be notified of the proposed salary scale adjustment.

During the presentation of the budget message the following questions and/or notations were made:

Upon inquiry of Councilman Wilkes as to what the five percent salary adjustment would come to in monies for all employees, the City Manager said the total of \$800,000 would include the total package being the five percent salary adjustment increase July 1st across the board, performance pay increases, hospitalization increases, social security increases, and longevity.

In response to Councilman Boland relative to the amount of monies involved in performance pay, the City Manager said that he would do an analysis of what the breakdown would be on the total package.

Councilman Wilkes said the total amount of \$800,000 which included everything in the city employee package and not just the five percent salary increase is misleading to the public. He said he would like to know the exact amount of the five percent salary adjustment increase, excluding the fringe benefits.

In response to Councilman Wilkes, Richard Kendrick of the Budget and Audit Staff said the five percent increase would amount to \$480,000 and the performance pay increase would amount to \$251,000.

Councilwoman Price noted that this is the second year the City of Asheville has been involved in the Management Improvement Program and the City is taking MICA's recommendations and continuing with efforts to insure that the operations of the City are carried out as efficient as possible.

Councilman Wilkes asked how much the Management Improvement Corporation of America recommended that the City keep in reserve. He said he felt the amount of \$1,000,000 which would be an estimated operating cost of two weeks is very little.

In response to Councilman Wilkes, Mr. Larry Fisher, Director of Finance and Mr. Bob Wurst, Budget & Audit Director, said that the recommended amount to be retained in the fund balance should be at least \$2,000,000 or one month's operating cost.

Councilman Wilkes noted that the City is on "unsafe ground" with \$1,000,000 retained in the fund balance.

Vice-Mayor Morris asked how much the City would pay to the State for various right-of-way acquisitions for the expressway, etc. over the course of the 1981-82 year.

In response to Vice-Mayor Morris' question, Mr. Wurst said the

equipment as it relates to the evaluation of using old equipment in other divisions.

Mr. Wurst summarized the capital outlay items requested by the City departments.

Councilman Wilkes moved to approve the budget amendment as presented by the Budget and Audit Director. This motion was seconded by Vice-Mayor Morris and carried on a voice vote of 6-1 with Councilman Brownlee voting "no."

Councilman Brownlee said that he had received a lot of telephone calls relative to all the increases proposed by the City administration. He said he felt the citizens had not been informed of the proposed increases by the City administration and they were very much upset. He said a lot of the citizens are on fixed incomes and the increases would bring about a hardship for them.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81 (ANNEXATION COST)

7. Consideration was given to a budget amendment amending the Annual Operating Budget for the City of Asheville for fiscal year 1980-81.

Bob Wurst, Budget and Audit Director, said this budget amendment in the amount of \$160,486 from the General Fund Contingency is to meet additional needs of the City's operating departments for the period April 30, 1981, to June 30, 1981. This amendment is being made to gear up for the newly annexed areas and in particular provides for the hiring/ training of new police and fire employees.

Councilwoman Price moved to approve the budget amendment as presented by the Budget and Audit Director. This motion was seconded by Councilman Boland and carried unanimously.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81 (SIX ASSOCIATES - REVISED CONTRACT)

8. Consideration was given to a budget amendment amending the Annual Operating Budget of the City of Asheville for fiscal year 1980-81.

Bob Wurst, Budget and Audit Director, said this budget amendment in the amount of \$30,000 is to budget for the revised contract with Six Associates, Inc., for the Economic Development Department. The cost of the contract is expected to be \$70,000 and funding will come from a reduction in the General Fund's contribution to debt service.

The City Manager in response to Councilman Wilkes said the original contract with Six Associates was for a six months period and the revised contract will extend the contract period until June 30, 1982.

Vice-Mayor Morris moved to approve the budget amendment as

In response to Councilman Brownlee, the City Manager said several divisions were put under one central director such as the Street Department, Sanitation Department, Inspections Department and Traffic Engineering Department being placed under the Public Works Director. He said this cuts down on misunderstandings and also cuts down on the number of people reporting to him directly. He said in the past he had 35 to 40 employees reporting to him and now he has about 15.

Councilman Brownlee said he did not feel the consolidation of functions has cut down on the number of employees.

The City Manager responded that in 1976, the City had 936 permanent positions and in 1980, there are 885 permanent positions. He said he felt that was a pretty significant cut in employees.

Councilman Brownlee asked how these figures compared with 1968. He said he felt there would be quite a bit of difference in comparison.

The City Manager responded that he did not have those figures, but he would be willing to obtain a comparison of this year's budget with 1968.

Councilman Brownlee responded that that would not be necessary that he was just curious.

Councilman Wilkes said that it was his understanding that the City has a contract with Carolina Power & Light Company whereby the City pays for the street lights whether they are turned on or not. He asked when that contract would expire.

In response to Councilman Wilkes, the City Manager said each system of lights is on a different contract. He said part of the lights are on contract and part of them are not. He said the City is working on taking some lights down in order to cut costs, however, if the City took down some of the lights it would not represent a savings.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81 (REVENUE SHARING FUNDS)

6. Consideration was given to a budget amendment amending the Annual Operating Budget for the City of Asheville for fiscal year 1980-81.

Bob Wurst, Budget & Audit Director, presented the budget amendment in the \$682,814 to budget Federal Revenue Sharing Funds for additional capital outlay items requested by the City's departments.

Councilman Wilkes said as critical as the budget is this year, he would like to make sure that all items requested are necessary and a must.

The City Manager responded to Councilman Wilkes that he was confident that all items requested were necessary.

A discussion was held relative to the process of purchasing new

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, reviewed the location of the right-of-way parcels for members of Council.

Councilman Wilkes moved to approve the sale of the right-of-way parcels as tentatively accepted by the Housing Authority. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 81-109 - RESOLUTION ESTABLISHING FILING FEE FOR THE 1981 ASHEVILLE MUNICIPAL PRIMARY AND ELECTION

12. Consideration was given to a resolution establishing filing fee for 1981 Asheville Municipal Primary and Election.

The City Manager read the resolution stating that the North Carolina General Statute 163-291(3) provides that filing fees for municipal and district primaries shall be fixed by the Municipal Governing Body and the statute prescribes that the filing fee shall be not less than \$5.00 nor more than one percent (1%) of the annual salary of the office sought. This resolution will set the filing fee for candidates seeking party nomination for municipal office in the City of Asheville at \$25.00.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-109 was unanimously adopted.

Complete text of Resolution No. 81-109 will be found in Resolution Book No. 12 at page 401.

RESOLUTION NO. 81-110 - RESOLUTION PROCLAIMING THE MONTH OF JUNE, 1981, AS BURGULARY PREVENTION MONTHS

13. Consideration was given to a resolution proclaiming the month of June, 1981, as Burglary Prevention Month.

The City Manager read the resolution stating that the Council joins with the International Association of Chiefs of Police in its designation of June, 1981, as Burglary Prevention Month and calls upon all citizens of the City of Asheville to assist their Police Department and to do all else possible, to prevent, detect and report the crime of Burglary.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-110 was unanimously adopted.

Complete text of Resolution No. 81-110 will be found in Resolution Book No. 12 at page 402.

APPROVAL OF THE CONSENT AGENDA

14. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or

presented by the Budget and Audit Director. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - WATER AND SEWER OPERATING FUND AND WATER AND SEWER CAPITAL CONSTRUCTION FUND FOR FISCAL YEAR FOR 1980-81

9. Consideration was given to a budget amendment amending the Water and Sewer Operating Fund and Water and Sewer Capital Construction Fund for Fiscal Year 1980-81.

Bob Wurst, Budget and Audit Director, said this budget amendment in the amount of \$876,819 is to appropriate funding for sewer improvements. He said this budget amendment would provide for the water and sewer improvements in the newly annexed areas.

Councilwoman Price moved to approve the budget amendment as presented by the Budget and Audit Director. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-108 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED CONTRACT WITH SIX ASSOCIATES, INC., FOR STAFFING SERVICES TO THE CITY OF ASHEVILLE AND THE ASHEVILLE REVITALIZATION AND ECONOMIC COMMISSION

10. Consideration was given to a resolution authorizing the City Manager to enter into a revised contract with Six Associates, Inc., for staffing services to the City of Asheville and the Asheville Revitalization and Economic Commission.

The City Manager read the resolution explaining that this resolution will authorize an extension of the contract from September 30, 1981, until June 30, 1982.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-108 was unanimously adopted.

Complete text of Resolution No. 81-108 will be found in Resolution Book No. 12 at page 400.

SALE OF RIGHT-OF-WAY PARCELS - EAST RIVERSIDE RENEWAL PROJECT

11. Consideration was given to a motion approving the sale of right-of-way parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted offers from the North Carolina Department of Transportation to purchase the following right-of-way parcels in the East Riverside Renewal Project:

Parcel	Area	Price
N, O, P, & R	1.87 Acres	\$133,300.00
Ash/So/McD	1.15 Acres	106,700.00
Totals	3.02 Acres	\$240,000.00

- E. Approval of bids received April 24, 1981, for "Two Air-Powered Underground Piercing Tools."

HIGHLIGHTS: One bid was received. Recommendation of acceptance of the bid of Allied Industrial Engineering in the amount of \$5,682.30. Sufficient funds for this purchase are available in the Water & Sewer Operations - Maintenance and Repair Activities.

Upon motion of Councilman Cole, seconded by Councilman Boland, the consent agenda was unanimously approved.

REQUEST BY COUNCILMAN WILKES - TRIMMING OF TREES - ASHELAND AND PHIFER STREET

Councilman Wilkes requested that the trees at the corner of Asheland and Phifer Street be trimmed.

RECOGNITION OF LARRY FISHER, DIRECTOR OF FINANCE, CHARLES KILLIAN OF PATTON & HUNTER - ATTAINMENT OF CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING

The City Manager recognized Larry Fisher, Director of Finance and Charles Killian of Patton and Hunter, for their efforts in the City of Asheville receiving a Certificate of Conformance in Financial Reporting. He said the Certificate of Conformance is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significance of accomplishment by the Director of Finance.

RESOLUTION NO. 81-113 - RESOLUTION OF INTENT SIGNIFYING THE INTEREST OF THE CITY OF ASHEVILLE AND WILLINGNESS OF THE CITY COUNCIL TO PURSUE EXPLORING THE FEASIBILITY OF A METROPOLITAN GOVERNMENT FOR OUR COMMUNITY

Consideration was given to a resolution signifying the interest of the City of Asheville and willingness of the City Council to pursue exploring the feasibility of a metropolitan government for our community.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 81-113 was unanimously adopted.

Complete text of Resolution No. 81-113 will be found in Resolution Book No. 12 at page 405.

CLAIMS - A. G. CARVER - EDISON HILL - T. C. COLE

The City Manager presented claims received from A. G. Carver, Edison Hill, and T. C. Cole.

Mayor Trantham referred the claims to the Corporation Counsel for

separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-111 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Sears Contract Sales for the project known as the North Fork Reservoir - East Boundary Fence Line.

HIGHLIGHTS: On Tuesday, May 19, 1981, bids were opened on the North Fork Reservoir - East Boundary Line Fence Project. Sears Contract Sales is the apparent low bidder for this contract in the amount of \$14,528.25. This resolution will authorize the Mayor to enter into a contract with Sears Contract Sales for said project.

Resolution No. 12 at page 403.

- B. Resolution No. 81-112 - Resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Metropolitan Sewerage District of Buncombe County.

HIGHLIGHTS: The Metropolitan Sewerage District of Buncombe County has requested the City of Asheville to execute a right-of-way easement on property belonging to the City of Asheville for the purpose of constructing and maintaining a 24" South Buncombe Interceptor Sewer.

Resolution Book No. 12 at page 404.

- C. Approval of bids received April 22, 1981, for "Fire Hose for Asheville Fire Department."

HIGHLIGHTS: Four (4) proposals were received. Recommendation of acceptance of the low bid of Action Fire and Safety Inc., in the amount of \$6,232. Sufficient funds are available for this purchase in the Fire Department Budget Materials line item, (10-40-470.0038).

- D. Approval of bids received May 6, 1981, for "Three-inch Diaphragm Pumps" for the Water and Sewer Department.

HIGHLIGHTS: Five (5) bids were received. Recommendation of acceptance of the low bid of Tidewater Supply Company in the amount of \$5,672.45. Sufficient funds for this purchase are available in the Water & Sewer Operations - Maintenance and Repair Activities.

Thursday - June 4, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES - MAY 28, 1981 MEETING- AMENDMENTS TO MINUTES OF MARCH 26, 1981 AND MAY 14, 1981

1. Approval of the minutes of the May 28, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, the minutes of the May 28, 1981 meeting were approved as submitted.

The City Clerk said he had received a recommendation from Attorneys Jack Stevens and Herbert Hyde, representing the City of Asheville relative to legal procedures on annexation, that the minutes of the March 26, 1981 and May 14, 1981 be amended.

Verl Emrick, Director of Planning, read the following proposed amendments to be made in the minutes of the March 26, 1981 meeting:

Page 453, Last Paragraph, and continued to Page 454, First Paragraph, be amended to read as follows:

"Mr. Emrick remarked that at his presentation to Council on March 17, 1981, a proposed timetable was presented. He said the first step in the process is to prepare a plan for annexation on which the Planning Department has been working. He said the second step is the adoption, by Council, of Resolutions of Intent to annex and the scheduling of public hearings relative to the annexation. He said before the public hearings Council must adopt Plans of annexation, which he proposed could be scheduled for consideration on April 9, 1981. He said the full Plan would need to be considered at a public hearing which could be held on April 30, 1981. He said after the public hearing, Council could consider the adoption of annexation ordinances and the ordinances could be considered on May 14, May 21 and May 28, 1981. He recommended that the effective date of the annexation ordinances, if adopted, be June 30, 1981."

Page 454, Second Paragraph under Item 4 be amended to read as follows:

"Verl Emrick, Director of Planning, described the Chunns Cove area and its boundaries which is being considered for annexation."

Page 454, Second Paragraph under Item 5 be amended to read as follows:

"Verl Emrick, Director of Planning, described the Bingham Road area and its boundaries which is being considered for annexation."

investigation and recommendation.

RESOLUTION NO. 81-114 - RESOLUTION REQUESTING THE BUNCOMBE COUNTY DELEGATION TO THE NORTH CAROLINA GENERAL ASSEMBLY TO SUPPORT HOUSE BILL 839, WHICH DEALS WITH ADDITIONAL SALES TAX REVENUE FOR LOCAL GOVERNMENTS IN NORTH CAROLINA

Consideration was given to a resolution requesting the Buncombe County delegation to the North Carolina General Assembly to support House Bill 839, which deals with additional sales tax revenue for local governments in North Carolina.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 81-114 was unanimously adopted.

Complete text of Resolution No. 81-114 will be found in Resolution Book No. 12 at page 406.

RALPH BISHOP - COMMENTS RELATIVE TO PROPOSED INCREASES

Ralph Bishop spoke to Council relative to his opposition to proposed increases. He said this Council has "bankrupt" the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Cole, the meeting adjourned at 6:05 p.m.


MAYOR


CITY CLERK

Page 31, Fourth Paragraph under Item 4 be amended to read as follows:

"Upon inquiry of Attorney Jerry Crow, Mayor Trantham said public comments would not be received during the consideration of the resolution to amend the service plans such plans having previously been the subject of exhaustive public comment at public hearings held on April 30, 1981."

Page 32, Second Paragraph under Item 5 be amended to read as follows:

"Verl Emrick, Director of Planning, said the amendment would include additional wording which would more clearly reflect the intent of the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing of water and sewer improvements."

Page 32, Second Paragraph under Item 6 be amended to read as follows:

"Verl Emrick, Director of Planning, said the amendment would include additional wording which would more clearly reflect the intent of the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing of water and sewer improvements."

Page 34, Second Paragraph, Last Sentence be amended to read as follows:

"Finally, if any of the signs within the city's jurisdiction do not conform to location, size, height or number of signs and Mr. Pace wishes to replace or modify the sign, all provisions of the ordinance would have to be complied with."

Page 35, First Paragraph be amended to read as follows:

"There are permits required by the City of Asheville, Inspection Division for the keeping of livestock. However, if an individual operates a bona fide commercial farm there is a state law (G. S. 106.701) which indicates that local governing bodies must exempt those activities. If the individual stops the operation of the commercial farmland then that person would be required to meet the requirements of the City of Asheville pertaining to livestock."

Page 35, Last Paragraph, Third Sentence be amended to read as follows:

"That notice was given and public hearings were held."

Page 36, 11th line be amended by correcting the spelling of "Council" to "Counsel."

Page 41, First Paragraph under Item 9 be amended to read as follows:

"9. Consideration was given to an ordinance extending the corporate limits of the City of Asheville into the Sweeten Creek Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina."

Councilman Boland moved to amend the minutes of the May 14, 1981 meeting as read by Verl Emrick, Director of Planning. This motion was seconded by Councilwoman Price and carried unanimously.

Page 454, Fourth Paragraph under Item 5 be amended by adding the word "adopted" at the end of the sentence to read as follows:

"Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-64 was unanimously adopted."

Page 455, Second Paragraph under Item 6 be amended to read as follows:

"Verl Emrick, Director of Planning, described the Patton Avenue area and its boundaries which is being considered for annexation."

Page 455, Third Paragraph, Fourth Sentence, under Item 6 correct the spelling of "loose" to "lose."

Page 456, First Paragraph be amended to read as follows:

"Verl Emrick, Director of Planning, described the Sweeten Creek Road area and its boundaries which is being considered for annexation."

Page 456, Fourth Paragraph, First Sentence be amended to read as follows:

"At the request of Mayor Trantham, Attorney Herbert Hyde, representing the City on legal matters dealing with annexation, said the annexation ordinances were detailed and very precise, pursuant to the requirements outlined in the North Carolina General Statutes dealing with annexation by municipalities."

Page 456, Fifth Paragraph which reads as follows be deleted in its entirety:

"Upon inquiry of Mrs. Martha Weir, Mr. Hyde said the Racquet Club was excluded from the annexation area, due to the fact that including the Racquet Club would have reduced the population level area and the population test as required by the North Carolina General Statutes could not be met."

Page 457, Second Paragraph, First Sentence, the name "Marion Hanover" should be corrected to read, "Marion Case Havener."

Councilwoman Price moved to amend the minutes of the March 26, 1981 Council meeting as read by Verl Emrick, Director of Planning. This motion was seconded by Councilman Cole and carried unanimously.

Verl Emrick, Director of Planning, read the following proposed amendments to be made in the minutes of the May 14, 1981 meeting:

Page 31, Second Paragraph under Item 4 be amended to read as follows:

"Verl Emrick, Director of Planning, said the amendment would include additional wording which would more clearly reflect the intent of the North Carolina General Statutes dealing with declaration of assurance for fire protection and financing the water and sewer improvements."

A discussion was held relative to the Biltmore Dairy Farms and others being in a special category due to the fact that they use water in their product and can not recycle water if they wanted to. It was the consensus of Council to ask staff to obtain information relative to the possibility of industries in special categories being given some special consideration, such as bottling companies that use water in their products and cannot conserve as easily as others.

At the request of Vice-Mayor Morris, Mr. Carson said he would obtain information for Council as to the percentage of water that is consumed and goes into a product and the amount that goes into the sewer line.

Vice-Mayor Morris said he would support the ordinance on the first reading but would like to have a Council work session on the proposed rate increases before the second reading of the ordinance. He said he did not like the way the rate increase is structured for the larger consumer.

Councilwoman Price said she would like to see an amendment made to the ordinance before the second reading of the ordinance implementing a special category for industries that use water in their product.

Ralph Bishop spoke in opposition to the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1221. This motion was seconded by Councilwoman Price.

On a roll call vote of 6-1, Ordinance No. 1221 passed on first reading with Councilman Brownlee voting "no."

ORDINANCE NO. 1222 - AN ORDINANCE AMENDING ORDINANCE NO. 814 RELATING TO PARKING LOTS OF THE CITY OF ASHEVILLE

4. Consideration was given to an ordinance amending Ordinance No. 814 relating to Parking Lots of the City of Asheville.

The Assistant City Manager read the ordinance.

Michael Smith, Director of Administration, said the ordinance increases parking lot fees to 25¢ per hour with a daily maximum of \$2.25 and monthly rates would be \$15.00 per month. He said the increases were based on recommendations in the MICA Fees and Charges Study.

Ralph Bishop spoke in opposition to the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1222. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1222 passed on first reading.

DISCUSSION RELATIVE TO RENAMING TOLULA LANE TO OLD ASHELAND AVENUE

2. A discussion was held relative to the action taken by Council, by Resolution No. 81-83 renaming Tolula Lane to Old Asheland Avenue.

The City Manager reviewed the background of naming the above referred to street. He said on February 1, 1979 Council named a new street (3), created by the realignment of streets by the Urban Renewal Project, Tolula Lane and on July 12, 1979 Council, by motion, renamed a portion of Tolula Lane to Old Asheland Avenue and upon petition of the residents of Tolula Lane, on April 9, 1981, Council renamed Tolula Lane to Old Asheland Avenue.

Mrs. Tolula Rogers, for whom the street was originally named, told Council she was very upset over Council's action changing the name of the street back to Old Asheland Avenue without first consulting her. She said she did not ask Council to name the street after her in the beginning, however she has received many letters from officials recognizing her since the street was named after her and she did not feel it was right for Council to change it.

Mr. Carl Johnson of Hillcrest Apartments said Council should have talked with Mrs. Rogers before changing the street and perhaps a compromise could have been worked out.

Mr. Jack R. Steel, a resident of Old Asheland Avenue, spoke in favor of Council's action to rename the street to Old Asheland Avenue. He said no one could find them with the street being named Tolula Lane.

Myra Dickson, also a resident of Old Asheland Avenue, spoke in favor of Council's action to rename the street to Old Asheland Avenue. She said it has always been named Asheland Avenue and she wanted it to stay that way.

Mayor Trantham said Council would take all the comments under observation and make a decision relative to the matter. He apologized to Mrs. Rogers for not informing her before the street was renamed.

ORDINANCE NO. 1221 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

3. Consideration was given to an ordinance providing for revisions to the water rates and charges.

The City Manager read the ordinance explaining that this ordinance provides for the proposed rate increases reflected in the 1981-82 annual budget.

Attorney Phil Carson, representing Biltmore Dairy Farms, said his client is one of the city's largest water users and the proposed rates are unfair to large consumers of water and that the increases should be dispersed more equitably among all water customers. He said the proposed rate scale presents increases from 0% to 60% with the larger consumer having to pay the highest percentage. He said it was extremely unfair to place the burden of inflationary costs on the larger consumers.

ORDINANCE NO. 1223 - AN ORDINANCE AMENDING ORDINANCE NO. 914 RELATING TO THE SCHEDULE OF PENALTIES FOR PARKING VIOLATIONS

5. Consideration was given to an ordinance amending Ordinance No. 914 relating to the schedule of penalties for parking violations.

The Assistant City Manager read the ordinance.

Michael Smith, Director of Administration, said the ordinance would increase parking violation fees and the increases were based on recommendations in the MICA Fees and Charges Study.

Councilwoman Price said there should be some publicity about the increases before the actual enforcement of the ordinance.

Upon inquiry of Councilman Boland, Mr. Smith said the violation fees are lower than other cities.

Councilman Brownlee said he felt when Council passes an ordinance it should be enforced. He said the Police Department does not always enforce the laws. He said one afternoon twenty-five cars ran the stop sign on his street.

Councilwoman Price moved for the adoption of Ordinance No. 1223. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1223 passed on first reading.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT - INCENTIVE HOUSING PROGRAM PROJECT

6. Consideration was given to a budget amendment amending the Community Development budget.

The Assistant City Manager presented the budget amendment.

Logan Delany, Director of Community Development, said this budget amendment in the amount of \$32,000 is to reprogram Community Development income from land sales in the Urban Renewal Area to the Incentive Housing Program Project.

Councilwoman Price moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Vice-Mayor Morris and carried unanimously.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT - LOT RESTORATION PROJECT

7. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The Assistant City Manager presented the budget amendment.

RESOLUTION NO. 81-117 - RESOLUTION ESTABLISHING A STANDARD SCHEDULE OF PRICES FOR GRAVESITE SALES AT RIVERSIDE CEMETERY

11. Consideration was given to a resolution establishing a standard schedule of prices for gravesite sales at Riverside Cemetery.

The Assistant City Manager read the resolution.

Michael Smith, Director of Administration, said this resolution establishes a schedule of prices for gravesite sales at Riverside Cemetery. He said this schedule of prices is based on recommendations in the MICA Fees and Charges Study.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 81-117 was unanimously adopted.

Complete text of Resolution No. 81-117 will be found in Resolution Book No. 12 at page 409.

RESOLUTION NO. 81-118 - RESOLUTION ESTABLISHING A STANDARD FLOOR SPACE RENTAL RATE FOR NON-CITY GOVERNMENT TENANTS OF THE CITY BUILDING

12. Consideration was given to a resolution establishing a standard floor space rental rate for non-city government tenants of the City Building.

The Assistant City Manager read the resolution.

Michael Smith, Director of Administration, said this resolution establishes a standard floor space rental rate for the City Building at \$4.65 per square foot. He said this rental rate is based on recommendations in the MICA Fees and Charges Study. He said the increase is necessary due to the increased cost in energy and employee costs.

Upon inquiry of Councilman Wilkes, Mr. Bill Swearngan, Facility Services Division, reviewed how many square feet of building space is used by non-city government tenants in the City Building.

Councilman Brownlee commented that he felt the increase in rates is too much.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-118 carried on a voice vote of 6-1 with Councilman Brownlee voting "no."

Complete text of Resolution No. 81-118 will be found in Resolution Book No. 12 at page 410.

RESOLUTION NO. 81-119 - RESOLUTION AUTHORIZING AN INCREASE IN SANITATION SET-OUT FEES

13. Consideration was given to a resolution authorizing an increase in Sanitation Set-Out fees.

The Assistant City Manager read the resolution.

Michael Smith, Director of Administration, said this resolution will increase the sanitation set-out fees from \$48.00 to \$60.00. He said this increase is based on recommendations in the MICA Fees and Charges Study.

We, therefore, certify that pursuant to such tabulation we have judicially determined that:

FOR MEMBERS OF CIVIL SERVICE BOARD

Dawn R. Wilkie, having received 236 votes

Raymond E. Stepp, having received 247 votes

and being the two highest and being qualified voters of the City of Asheville, not employed by the City, and have been duly elected members of the Civil Service Board by employees in the Classified Service, in accordance with House Bill 835 of the General Assembly of North Carolina at its 1953 Session and Ordinance

356 of the City of Asheville, for a term of two years.

James H. Hargis
Engineer
BOARD OF CANVASSERS

RESOLUTION NO. 81-115 - RESOLUTION REAPPOINTING MEMBERS AND CHAIRMAN TO THE CIVIL SERVICE BOARD (Thomas C. Posey and Osborne M. Hart, Chairman)

9. Consideration was given to a resolution reappointing members and chairman to the Civil Service Board.

The Assistant City Manager read the resolution reappointing Mr. Thomas C. Posey as a member of the Civil Service Board and Mr. Osborne M. Hart as Chairman of the Civil Service Board.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-115 was unanimously adopted.

Complete text of Resolution No. 81-115 will be found in Resolution Book No. 12 at Page 407.

RESOLUTION NO. 81-116 - RESOLUTION AUTHORIZING INCREASES IN THE DAILY AND HOURLY PARKING RATES AT THE CITY OF ASHEVILLE DOWNTOWN PARKING GARAGE

10. Consideration was given to a resolution authorizing increases in the daily and hourly parking rates at the City of Asheville Downtown Parking Garage.

The Assistant City Manager read the resolution.

Michael Smith, Director of Administration, said this resolution increases the parking rates at the Parking Garage, to 25¢ per hour up to a daily maximum of \$2.00. He said these increases are based on recommendations in the MICA Fees and Charges Study.

Upon motion of Councilman Boland, seconded by Vice-Mayor Morris, Resolution No. 81-116 was unanimously adopted.

~~Complete text of Resolution No. 81-116 will be found in Resolution Book~~
No. 12 at page 408.

- C. Resolution No. 81-122 - Resolution authorizing Vanderbilt Apartments to encroach upon the right-of-way of the sidewalk at 75 Haywood Street.

HIGHLIGHTS: The manager of the Vanderbilt Apartments has requested permission to encroach upon the right-of-way of the sidewalk located in front of said apartments at 75 Haywood Street for the purpose of placing a bench. The request for encroachment has been investigated by the City's Department of Public Works and, in its opinion, would not hinder the safe movement of pedestrian traffic along said sidewalk, if placed in the proper manner. The bench will benefit the citizens of Asheville. This resolution will authorize the execution of an encroachment agreement for said bench.

Resolution Book No. 12, page 414

Ralph Bishop requested that Item D be taken off the consent agenda and considered separately.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 81-123 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SUTTON-KENNERLY, ASSOCIATES, FOR ENGINEERING SERVICES FOR THE CITY HALL RAMP RENOVATION PROJECT

15. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Sutton-Kennerly, Associates, for engineering services for the City Hall Ramp Renovation Project.

The City Manager read the resolution.

Ralph Bishop said he did not know why the city staff could not repair the ramp without obtaining engineering services. He said it seemed to him that the City had to get someone else to do everything for them.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-123 was unanimously adopted.

Complete text of Resolution No. 81-123 will be found in Resolution Book No. 12 at page 415.

CLAIMS - RUTH RENFROE

16. The City Manager presented a claim received from Ruth Renfro.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

27

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-119 was unanimously adopted.

Complete text of Resolution No. 81-119 will be found in Resolution Book No. 12 at page 411.

APPROVAL OF THE CONSENT AGENDA

14. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-120 - Resolution authorizing the name "Angus Lane" to be assigned to an unnamed street.

HIGHLIGHTS: The City of Asheville has been petitioned by the majority of property owners along an unnamed street to allow the street to be named. It is in the best interest of the City to name the street for the purpose of street identification. The name "Angus Lane" is not contradictory to other street names in the City. This resolution will authorize the street which intersects Marlborough Drive and parallels East Hawthorne and which serves the rear property of several lots and the front property of two lots to be named as "Angus Lane."

Resolution Book No. 12 page 412.

- B. Resolution No. 81-121 - Resolution authorizing the Purchasing Director to dispose of property by private sale.

HIGHLIGHTS: Article 12 of Chapter 160A of North Carolina General Statutes provides that a municipality may dispose of personal property valued at less than \$5,000 for any one item or group of similar items through private negotiation and sale. The Fire Department of the City has one 1954 surplus truck "army weapon carrier" for which it has no use. The continued operation of this truck is not feasible due to high maintenance cost and unavailability of parts. This resolution will authorize the Purchasing Director to dispose of the property through private sale.

Resolution Book No. 12 page 413.

Thursday - June 11, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 4, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the June 4, 1981, meeting were approved as submitted.

BOXING AND WRESTLING COMMISSION - PRESENTATION OF CHECK

Mr. Tommy Saunooke, Acting Chairman of the Boxing and Wrestling Commission said the State Legislators recently abolished the Boxing and Wrestling Commission and the Commission has a check in the amount of \$5,387.60 to present to the City of Asheville in order to close out the account of the Boxing and Wrestling Commission. He thanked Council for allowing the members of the Boxing and Wrestling Commission to serve the City of Asheville.

PUBLIC HEARING - 1981-82 CITY OF ASHEVILLE BUDGET

ORDINANCE NO 1224 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1981-82

3. A public hearing was held relative to the 1981-82 City of Asheville Budget.

Mayor Trantham opened the public hearing at 4:17 p.m.

Bob Wurst, Budget and Audit Director, presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Wurst said as required by the North Carolina Local Government Budget and Fiscal Control Act the budget for 1981-82 was presented to the

RESOLUTION NO. _____ - RESOLUTION ESTABLISHING A STANDARD MAINTENANCE CHARGE FOR
FIRE ALARM BOXES AT BUSINESS AND INSTITUTIONAL LOCATIONS

17. Consideration was given to a resolution establishing a standard maintenance charge for fire alarm boxes at business and institutional locations.

The City Manager read the resolution explaining that the City of Asheville maintains fire alarm boxes at approximately seventy (70) business and institutional locations and up until the present time no charge has been made to these businesses and institutions for maintenance of these fire alarms. He said the city desires to recover the cost of this fire alarm box maintenance from these business and institutional users and by this resolution will establish a standardized maintenance charge for these fire alarms at private locations. He said this resolution will authorize a standard maintenance charge of \$368 per year per box for all business and institutional connections to the City's fire alarm system.

After discussion, Councilman Wilkes moved to table the resolution until all businesses and institutions using the fire alarm boxes are notified that the City intends to charge for this service. This motion was seconded by Councilman Brownlee and carried unanimously.

RESOLUTION NO. 81-124 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE
TO ENTER INTO AN AGREEMENT WITH THE JAMES H. DREW AMUSEMENT COMPANY FOR THE PROVISION
OF AMUSEMENT RIDES AT WESTGATE SHOPPING CENTER IN CONJUNCTION WITH THE ASHEVILLE-
BUNCOMBE COUNTY YOUTH COUNCIL

18. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the James H. Drew Amusement Company for the provision of amusement rides at Westgate Shopping Center in conjunction with the Asheville-Buncombe County Youth Council.

The City Manager read the resolution.

David Roberts, Chairman of the Youth Council, told members of Council that the Youth Council is sponsoring the amusement rides at Westgate Shopping Center in order to raise funds to re-establish the chimes in the City Hall Building.

Upon motion of Councilwoman Price, seconded by Councilman Wilkes, Resolution No. 81-124 was unanimously adopted.

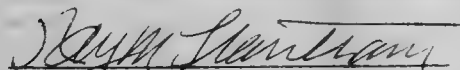
Complete text of Resolution No. 81-124 will be found in Resolution Book No. 12 at page 416.

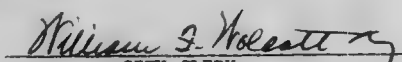
RALPH BISHOP - LOTTERY SALES - OBTAINING CITY RECORDS

Ralph Bishop spoke to Council about the City not enforcing lottery laws and his difficulty in obtaining city records.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 6:05 p. m.


MAYOR


CITY CLERK

Mr. Bob Wurst, Budget and Audit Director, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1224. This motion was seconded by Councilman Boland.

On a roll call vote of 6-1, Ordinance No. 1224 passed on first reading with Councilman Brownlee voting "no."

PUBLIC HEARING - AMENDING ORDINANCE NO. 1208 - REZONING PROPERTY ON LEICESTER HIGHWAY

ORDINANCE NO. 1225 - AN ORDINANCE AMENDING NO. 1208, AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," (REZONING PROPERTY ON LEICESTER HIGHWAY FROM R-3 RESIDENTIAL DISTRICT AND OFFICE INSTITUTIONAL DISTRICT TO CS COMMERCIAL SERVICE DISTRICT)

4. A public hearing was held relative to amending Ordinance No. 1208, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," (rezoning property on Leicester Highway from R-3 Residential District and Office Institutional District to CS Commercial Service District).

Mayor Trantham opened the public hearing at 5:05 p.m.

Verl Emrick, Director of Planning, presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick said this amendment will correct a typographical error and delete Hazel 13, Lot 56 and insert in lieu thereof Hazel 13, Lot 46.

Mayor Trantham closed the public hearing at 5:08 p.m.

Mr. Emrick read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1225. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1225 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1225. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1225 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third reading of Ordinance No. 1225. This motion was seconded by Councilwoman Price and carried unanimously.

95

Council prior to June 1, 1981. He said the budget would be considered over the next three weeks.

Mr. Wurst said the proposed budget reflects funding for the outside agencies at the current level. However, the outside agencies have submitted their requested budgets for the 1981-82 fiscal year. He presented a summary of the funding request for the outside agencies.

Mr. George Gragg, Director of the Asheville Buncombe Community Relations Council, spoke on behalf of the requested increase of \$1,842 to the Community Relations Council budget for 1981-82. He said the increase is necessary to provide a salary increase of 7% to the staff.

Mr. Bernard Manley, speaking on behalf of the Chamber of Commerce, said the Chamber is requesting a 15% increase in their budget, a total increase of \$4,485. He gave a breakdown of funding for the Chamber of Commerce by the City of Asheville and the County of Buncombe. He said the Chamber did not feel they could increase membership fees this year since they had increased last year. He said the City funds would be used to promote the City and the County funds would be used to promote industrial growth for the County.

Upon inquiry of Councilwoman Price, Mr. Richard Trammell of the Chamber of Commerce said the hotel/motel tax bill is in Raleigh and has been approved by the committee. He said he hoped the bill would be introduced in the short session of the General Assembly in October. He said he felt the bill would receive support.

Mr. Dave Bossard, of the Buncombe County Rescue Squad, spoke on behalf of the increase requested by the Buncombe County Rescue Squad in the amount of \$5,000. He said in prior years the funding for the Buncombe County Rescue Squad had been 50% County and 50% City, however, he had been instructed to submit his total budget of \$33,150 to the City of Asheville assuming the Water Agreement would be adopted. He said his budget does not include salaries as all of his employees are volunteers. However, the Buncombe County Rescue Squad must provide insurance, worker's compensation, and liability insurance for vehicles plus the purchase of gasoline for the vehicles.

Councilwoman Price asked if the City could carry the vehicles and volunteers of the Buncombe County Rescue Squad under the City's group insurance policy. She said perhaps the requested increase of \$5,000 could be a part of the insurance program.

Mr. Ronald Boone, Director of the Western North Carolina Regional Air Pollution Control Agency spoke on behalf of the requested increase of \$2,000 to the agency. He said up until this year the agency had operated on a deficit.

Ralph Bishop spoke in opposition to the proposed budget for 1981-82.

Mayor Trantham closed the public hearing at 4:58 p.m.



CITY OF ASHEVILLE

DEPARTMENT OF ADMINISTRATION

MEMORANDUM TO: Ken Michalove, City Manager
FROM: Charlotte Hutchison, Research Analyst *ch*
DATE: June 11, 1981
SUBJECT: Water Rate Classifications

In answer to your question regarding the legality of establishing a new water rate classification for industries such as Coca Cola which use water as a part of their product and therefore cannot cut their consumption, my research indicates that such a classification would probably be considered arbitrary and unreasonable and would not hold up if challenged.

This conclusion is based on three types of information: (1) §19.07 of Antieau's Municipal Corporation Law, dealing with utilities in general and rate discriminations in particular; (2) several court cases, including the 1979 decision of the N.C. Court of Appeals in the case of Wall v City of Durham; and (3) David Lawrence's opinion.

All three tie in with the principle that the city as a supplier of water is in the position of a public utility. As such it can establish classifications, but only if they bear some meaningful relationship to the cost of providing the service. I haven't seen many cases in which cities tried to classify water users according to the way in which they used the water, but the few I've seen have ruled that water use is not an acceptable basis for classification.

That summarizes my findings. In case you need any supporting information, I'm including the following details.

Antieau says in §19.07 of Municipal Corporation Law, "A prime principle of utility law, applicable to utilities operated by local governments, is that the utility can impose no unjust discrimination among customers served, in view of their situation and classification. The Kentucky court has aptly remarked: 'Discrimination in rates or service is not permitted by municipalities any more than private utilities.' The Alabama court is typical when it states: 'The law will not and cannot tolerate discrimination in the charges of a water works company. There must be equality of rights and special privileges to none; and if this is violated or unreasonable rates are charged, the humblest citizen has a right to invoke the protection of the laws equally with another.' The rule expressed is a mandate of the common law, and is also deemed to follow from the wording of many state constitutional provisions. The rule equally follows from

On a roll call vote of 7-0, Ordinance No. 1225 passed on third and final reading.

Complete text of Ordinance No. 1225 will be found in Ordinance Book No. 9 at page 236.

ORDINANCE NO. 1221 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

5. Consideration was given to the second reading of Ordinance No. 1221, an ordinance providing for revisions to the water rates and charges.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

The City Manager said at the June 4, 1981, Council meeting in discussing the ordinance relative to the water rates and charges, Council had asked the staff to obtain information relative to the possibility of industries in special categories being given some special consideration such as bottling companies that use water in their products and cannot conserve as easily as others. He presented the following reports relative to that request:

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Ken Michalove
June 11, 1981
Page 3

The Durham situation involved a procedure known as "decapping," whereby the water consumption of apartment houses served by a single meter was divided by the number of apartments, thus making it impossible for apartment owners to take advantage of the lower rates available to other high-volume water users. The court said, "Thus, the effect of 'decapping' is to subject the plaintiffs to a different, and greater, rate schedule than is applied to other customers of the defendant who consume an identical quantity of the same service. There are no findings of fact in this record to justify the different treatment accorded the plaintiffs by the defendant. Indeed, the only finding made by the trial judge pertaining to the cost and conditions of service was that 'the delivery of water to a meter serving a number of apartment units costs the city of Durham no more than delivery of this same quantity of water to a meter serving a different user.'"

So the city of Durham lost the case. The court concluded that the decapping procedure "unreasonably discriminates against the owners of such apartment complexes, since this procedure subjects those owners to a greater rate under the city's graduated rate schedule than is applied to other customers who consume an identical quantity of the same service, and there is no justification for such discrimination between customers."

A similar case that makes this point even more clearly is the 1959 Oregon case of Kliks v Dalles City (335 P. 2d 366). Basing its decision on the 14th Amendment, the court said, "Where municipality makes differentiations in rate to be charged for water service or other service rendered by municipal utilities, but differences in conditions cannot be shown between customers entitled to different rates, all customers are entitled to receive the service on an equal basis and at uniform rate." It went on to say, "Where municipality makes differentiations in rate charged for water, differences upon which the classification is predicated must have reasonable relationship to purpose for which classification is made, and this means that a difference in rates must find justification in a difference in conditions of service." And it said, "Use to which city water is put by various consumers is not, by itself, sufficient to justify a difference in city water rates to be paid by such consumers."

The Oregon court quoted from an Arkansas case in which the court ruled that "...when various patrons or classes of patrons demand a commodity in equal amounts and of the same quality and under the same rules and regulations as to furnishing, delivering and supplying the same, then the charge for such commodity should be the same to all purchasers."

Like the Durham case, this Oregon case involved the establishment of different water rates for apartment houses. In determining whether or not the differential rates were justified, the court said, "It is not enough simply to point to a difference of any kind between apartment houses and hotels; the dissimilarities must be those which will justify a difference in the charge for the water supplied..."

89

X4

Ken Michalove
June 11, 1981
Page 2

many statutes imposing upon local governments the duty of fixing 'just and reasonable' rates."

(This is consistent with our G.S. 160A-314(a), which says, "A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city.")

Antieau goes on to say, "The rule against unreasonable discriminations and classifications of customers has invalidated municipal preference to industries invited to locate in the city... All classifications must be reasonably related to the cost of providing the service. A number of courts have ruled that the use to which water is put by the different consumers is not, standing by itself, sufficient to justify a difference in rates." (Emphasis added.)

This prohibition against setting up preferential arrangements with certain customers applies to contractual arrangements (e.g., Gerber) as well as ordinances. Antieau says, "The fixing of municipal utility rates is a 'legislative' or 'governmental' power that cannot be bargained away, restricted by contract, or dealt with in any way so as to curtail the power of future governing bodies to determine and fix reasonable utility rates. The Georgia court is typical in stating: 'The fixing of water rates, from time to time, by a municipality, is a legislative or governmental power, and one council may not, by contract or ordinance, deprive succeeding councils of this legislative or governmental power.'"

What Antieau says, of course, applies in general throughout the various states. There isn't anything in that particular section that applies specifically to North Carolina.

The Durham case (41 NCApp 649) brings all this home to North Carolina. This was the case that David Lawrence called to my attention when I asked him about the legality of creating this type of rate classification. The North Carolina court said in this case, "A public utility, whether publicly or privately owned, may not unreasonably discriminate in the distribution of its services or the establishment of rates. (Citations omitted.) Numerous cases have recognized the rule that the statutory authority of a city to fix and enforce rates for public services furnished by it and to classify its customers is not a license to discriminate among customers of essentially the same character and services. In State ex rel Utilities Commission v. Mead Corp. 238 N.C. 451, 462, 78 S.E. 2d 290, 298 (1953), our Supreme Court stated: 'There must be substantial differences in service or conditions to justify difference in rates. There must be no unreasonable discrimination between those receiving the same kind and degree of service.'"

CITY



OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

WATER DEPARTMENT

MEMORANDUM

TO: Mike Holcombe, Planning, Research &
Development Director
FROM: Deborah Plemmons, Supervisor of Collections
DATE: June 11, 1981
SUBJECT: SPECIAL RATE SURVEY

Per your request, on June 10, I conducted a survey of ten North Carolina cities to determine if they allowed a discount or special rate for commercial establishments or industries that use water in their product. The results of that survey indicates only Charlotte has a special rate for such uses. I was informed that they have separate meters to measure the amount of water not returned to the sewer system and those accounts are billed accordingly. Also, they have some "special" accounts that are based on the results of a water use survey and will send us a copy of said survey. High Point does not have a special water rate, but does allow a lower sewer charge based on the amount of water turned into the sewer system. Burlington, Chapel Hill, Durham, Fayetteville, Greensboro, Raleigh, Wilmington and Winston-Salem do not currently have, and have never had special rates or discounts for establishments using water in their products.

Let me know, if I can be of further assistance with this project.

DP:jg

91

XXXX

Ken Michalove
June 11, 1981
Page 4

"How, then, can the plaintiffs' apartment house be distinguished from a hotel, a motel and other commercial enterprises which are favored with a lower rate? It has been noted that '...distinctions based upon the amount of patronage, distance, location, the expense of delivery, etc., have many times been sustained.' Antieau Municipal Corporation Law, §19.03. But the use to which the water is put by the various consumers is not, standing by itself, sufficient to justify a difference in rates. 1 Pond Public Utilities §295."

Quoting from three different cases, the Oregon court summarized, "This same idea has been expressed frequently in cases before public utility commissions. '...the present rates are indefensible in that they are based on varying prices according to the use made of the current which costs the company the same whether the electricity is used for light, power or heat.' (Citations omitted.) '...If distinctions are to be made which result in different charges for a commodity, such distinction or difference should be based upon the quality of article demanded and the amount of service necessary to supply the same, rather than upon the profession or occupation of the purchaser.' (Citations omitted.) '...Unless it costs a utility less to serve a given class of customers, it does not seem proper to us that they should be given any special rate treatment based simply on character of use.'" (Citations omitted.)

The City Manager said these reports indicate what the Sullivan Act does to the City of Asheville. He said other cities can double the rates of county users and have the incentive for residents being inside the city limits.

The City Manager said that he had received a request from Mr. Phillip Carson, representing the Biltmore Dairy Farms, who could not attend the Council meeting today to share a copy of these reports with him.

Mr. George Saegner, speaking on behalf of Phil Carson and Biltmore Dairy Farms, said that they would review the reports given by the City Manager. He reiterated comments made by Mr. Carson during the June 4, 1981, meeting.

The City Manager read the following letter received from the Coca Cola Bottling Company:

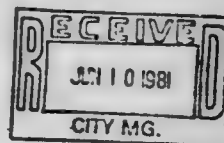


June 10, 1981

(2)



Mr. Ken Michalove
City Manager
City Hall
Asheville, N. C.



Dear Mr. Michalove:

I have been following the water issue with great interest and would like to share with you my thoughts on the matter.

Our last water rate increase was in August, 1979, in the amount of 44%. From June, 1980 to May, 1981, our cost for water was \$15,068.04. Based on information obtained from the Water Department, with the proposed rate increase our water cost would have been \$22,830.36, which is an increase of \$7,762.32 or 52% higher.

The water used in the manufacturing of our product constitutes 12% of our total consumption. Our product is manufactured by formulas set by The Coca-Cola Company and we are legally bound to produce our products according to their specifications. We can not alter the formulas in any way. Therefore, decreasing our water use in our production process is virtually impossible.

We ask that Council give this special consideration when setting rates. We think that a 52% increase is not equitable based on the fact that other consumers would have an average increase of 35% or less. If the water rates as currently proposed are approved we would need to look for a more economically feasible alternative which would probably be to do more of our product manufacturing at our Morganton plant.

Any assistance you can provide in this situation will be greatly appreciated.

Sincerely,

George Renfro

George D. Renfro
Secretary/Treasurer

CITY OF ASHEVILLE



P. O. BOX 7148
ASHEVILLE, NORTH CAROLINA
28807

William DeBruhl - Director
WATER AND SEWER SERVICES

MEMORANDUM TO: Ken Michalove
City Manager

FROM: Michael L. Holcombe *MLH*
Planning, Research and Development Superintendent

SUBJECT: Special Rate Survey

DATE: June 11, 1981

Attached please find a report on a statewide survey on whether or not cities which have water systems allow discounts or credits to commercial establishments or industries that use water in their product. Of the ten cities survey, none used their water rate structure in such a manner. The cities of Charlotte and High Point utilize their sewer rate schedules to achieve a discount effect by metering the amount of water which enters the sewerage system.

Please call me if I can be of further assistance.

MLH/br

Attachment

cc: William DeBruhl, Director of Water and Sewer Services

visiting her relative to changing the name of Tolula Lane back to Old Asheland Avenue. She said she felt the residents on Old Asheland Avenue requested that the City change the name of the street because of a grievance with her. She said she did not think Council should take such action and then change it.

BUDGET AMENDMENT - GENERAL CAPITAL PROJECTS - MOTOR TRANSPORT FACILITY

8. Consideration was given to a budget amendment amending the General Capital Projects Budget of the City of Asheville.

The City Manager said this budget amendment is to budget only \$22,000 for planning and site preparation costs incurred to date for the motor transport facility. \$500,000 was appropriated for this project. \$478,000 will be returned to the General Debt Service Fund in accordance with the preliminary fiscal year 1981-82 budget presented to Council on May 28, 1981.

Councilwoman Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - FEDERAL CAPITAL PROJECTS - NORTH ASHEVILLE PARK

9. Consideration was given to a budget amendment amending the Federal Capital Projects Budget of the City of Asheville.

The City Manager said this budget amendment is to delete city share of funding for North Asheville Park. \$35,000 will be returned to the General Revenue Sharing unappropriated fund balance in accordance with City Council's decision made during the budget meeting of April 21, 1981.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

BUDGET AMENDMENT - ANNUAL OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81 - RIGHT-OF-WAY PURCHASES ON VALLEY STREET - OPERATIONS COMPLEX

10. Consideration was given to a budget amendment amending the Annual Operating Budget of the City of Asheville for Fiscal Year 1980-81.

The City Manager said this budget amendment is to appropriate \$100,000 for right-of-way purchases on Valley Street for the site of an Operations Complex.

Councilman Cole moved for the approval of the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

Vice-Mayor Morris said that he would support the ordinance on the second reading but he was not happy with the rate increase as it is structured for the large consumer. He said he would like to review the rate in an effort not to increase rates for the large consumer as much as they are.

Councilman Boland and Councilman Wilkes both said they would also like to review the rate structure in order to provide a more equitable rate increase.

Councilman Brownlee said that he had received a number of calls from residents on Social Security relative to all the increases proposed by the City. He said he did not feel that the people on Social Security could afford to pay a 10% increase in taxes and a 30% increase in the water rates with the county also proposing a rate increase in taxes.

On a roll call vote of 6-1, Ordinance No. 1221 passed on second reading, with Councilman Brownlee voting "no."

ORDINANCE NO. 1222 - AN ORDINANCE AMENDING ORDINANCE NO. 814 RELATING TO PARKING LOTS OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of Ordinance No. 1222, an ordinance amending Ordinance No. 814 relating to parking lots of the City of Asheville.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1222 passed on second reading.

ORDINANCE NO. 1223 - AN ORDINANCE AMENDING ORDINANCE NO. 914 RELATING TO THE SCHEDULE OF PENALTIES FOR PARKING VIOLATIONS

7. Consideration was given to the second reading of Ordinance No. 1223, an ordinance amending Ordinance No. 914 relating to the schedule of penalties for parking violations.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1223 passed on second reading.

Ralph Bishop spoke in opposition to Ordinance No. 1223 and requested that a copy of the MICA Fees and Charges Study.

MRS. ROY ROGERS - COMMENTS RELATIVE TO CHANGING TOLULA LANE TO OLD ASHELAND AVENUE

Mr. Rogers thanked Councilman Boland and Mayor Trantham for

HIGHLIGHTS: The amendments will adopt the 1980 N. C. Plumbing Code and implement a new fee schedule to be uniform with Buncombe County inspection fees.

Resolution Book No. 12 at page no. 419.

- D. Resolution No. 81-128 - Resolution calling for a public hearing for the adoption of an ordinance relative to amendments to Chapter 8, Section 8-61, entitled Heating Code adopted for July 2, 1981.

HIGHLIGHTS: This amendment will adopt the 1980 Edition of the North Carolina Heating Code.

Resolution Book No. 12 at page no. 420.

- E. Resolution No. 81-129 - Resolution authorizing the Mayor to sign a contract with Wood and Cort, P. A., Architects for design and construction architectural services for the Seventh Floor Window Replacement City Hall Building Project.

HIGHLIGHTS: There is a need for window replacement on the seventh floor of the City Building and sufficient funds have been appropriated for this as a capital project. Architectural services are necessary for the design and construction of said project. This resolution will authorize a contract with wood and Cort, P. A., for said project.

Resolution Book No. 12 at page no. 421.

- F. Resolution No. 81-130 - Resolution authorizing the closing of Alclare Court from 4:00 P.M. until 10:00 P.M. for "4th of July" Neighborhood Block Party.

HIGHLIGHTS: The residents of Alclare Court are planning a "4th of July" Neighborhood Block Party and the residents, through their spokesman, Ted Forbes, have requested the City of Asheville to close Alclare Court and the closing of Alclare Court will not create an undue hardship or inconvenience for the residents of the area. This resolution will authorize the City Manager to cause the closing of Alclare Court for the Neighborhood Block Party.

Resolution Book No. 12 at page no. 422.

- G. Resolution No. 81-131 - Resolution authorizing the Mayor to file an application for state funds for local law enforcement information systems and to sign a contract with the State of North Carolina, Department of Crime Control and Public Safety for the Asheville/Buncombe County Criminal Justice Information System.

11. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund Budget.

The City Manager said this budget amendment in the amount of \$2,275 is to provide additional funding for the Community Development Planning project.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

12. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-125 - Resolution calling for a public hearing for the adoption of an ordinance relating to amendments to Chapter 8, Section 8-1, entitled State building code adopted and Section 8-12, entitled permit fees for July 2, 1981.

HIGHLIGHTS: The amendments will adopt the 1978 N. C. State Building Code, Volume 1, General Construction and implement a new fee schedule as recommended under the MICA Fees and Charges Study for new construction and will adopt the same fee schedule as Buncombe County for reconstruction, alteration, and repair.

Resolution Book No. 12 at page no. 417.

- B. Resolution No. 81-126 - Resolution calling for a public hearing for the adoption of an ordinance relative to amendments to Chapter 11, Section 11-1, entitled Short Title and Section 11-54, entitled Inspections Fees - Generally for July 2, 1981.

HIGHLIGHTS: The amendments will adopt the current N. C. Electrical Code and implement a new fee schedule to be uniform with Buncombe County inspection fees.

Resolution Book No. 12 at page no. 418.

- C. Resolution No. 81-127 - Resolution calling for a public hearing for the adoption of an ordinance relative to amendments to Chapter 20, Section 20-1, entitled Plumbing Code Adopted and Section 20-2 entitled Plumbing Permits -Inspections, fees for July 2, 1981.

HIGHLIGHTS: Only one bid was received. Bid Item #1, Apple Tree Chevrolet the only bidder, is proposing to furnish two Chevette compacts which do not fully respond to bid specifications in that they lack air conditioning and it has been recommended that item #1 be rejected by Council, and that this item be rebid.

Recommendation of acceptance of the bid submitted by Apple Tree Chevrolet for two mid-size vehicles in the amount of \$17,378.90, bid item #2.

Sufficient funds are available for this purchase in the Revenue Sharing Fund - Police Activity.

- K. Approval of bids received June 2, 1981, for meter box covers - rims and lids.

HIGHLIGHTS: Two bids were received. Recommendation of acceptance of low bid submitted by Southeastern Distributors, Franklin, North Carolina in the amount of \$10,450.00. Sufficient funds for this purchase is available in the Water and Sewer Department Appropriations.

- L. Approval of bids received May 14, 1981, for "Estimated Annual Requirement for 5/8" and 1" Water Meters."

HIGHLIGHTS: Three bids were received. Recommendation of acceptance of low bid submitted by Badger Meter Company in the amount of \$63,940.00. Sufficient funds for the purchase of this material are available in the Water and Sewer Department Appropriations.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 81-132 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE/PURCHASE AGREEMENT WITH THE MUNICIPAL FINANCING ASSOCIATES, INC., FOR ONE (1) EMS-10 ELECTRONIC SCALE AND ONE (1) 8100 ELECTRONIC ACCOUNTING SYSTEM WITH INTERFACE

13. Consideration was given to a resolution authorizing the Mayor to sign a lease/purchase agreement with the Municipal Financing Associates, Inc., for one (1) EMS-10 Electronic scale and one (1) 8100 Electronic Accounting System with interface.

The City Manager read the resolution explaining that the acquisition of these two items from Pitney Bowles will pay for themselves in savings generating from postal overcharges. He said this will be a four year contract

HIGHLIGHTS: The Asheville Police Department and the Buncombe County Sheriff's Department desire to expand the capability of the Asheville-Buncombe County CJIS System to serve the automation needs of the local law enforcement agencies within in our region. This expansion is dependent upon the acquisition of additional computer equipment, the cost of said equipment is estimated to be \$72,000 and a grant from the North Carolina Governors Crime Commission funding 100% of the estimated cost is available and must be filed for on or before June 19, 1981.

Resolution Book No. 12 at page no. 423.

- H. Scheduling of a public hearing relative to a group development of "Harry Lerner Apartment Building" to be located at the corner of Central Avenue and Hi Alta for July 2, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held June 3, 1981, reviewed the site plan of a proposed apartment building to be located at the corner of Central Avenue and Hi Alta. The Commission voted to recommend to City Council that the site plan be approved subject to 1) Providing buffering in accordance with Section 30-3 -14 (A) (2) of the Asheville Zoning Ordinance; and 2) That the fire hydrant be moved as near as practical to the intersection of Central Avenue and Hi Alta.

- I. Scheduling of a public hearing relative to rezoning property at #8 Temple Avenue for Mr. John C. Davies for July 2, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held June 3, 1981, considered a petition that Ward 9, Sheet 6, Lot 504 be rezoned from R-3 Residential District to CH Commercial Highway District. The Commission voted to recommend to City Council that the lower .30 of an acre of Lot 504 be rezoned to CH Commercial Highway and leave the remaining .17 of an acre R-3 Residential District as a buffer zone. The petitioner, in accordance with Zoning Ordinance #322, has requested that the City Council schedule a public hearing on their entire request that Ward 9, Sheet 6, Lot 504 be rezoned as petitioned.

- J. Approval of bids received May 29, 1981, for four (4) vehicles for Asheville Police Department.

CITY OF ASHEVILLE



RT. #1 - BOX 282

BLACK MOUNTAIN, NORTH CAROLINA 28711

WATER PRODUCTION & QUALITY CONTROL DIVISION

MEMORANDUM TO: Bill Debruhl, Director
Water and Sewer Services

FROM: Bob Brown, Superintendent *EB*
Water Production & Quality Control

DATE: June 9, 1981

SUBJECT: Status report of Burnett Lake drawdown and effect of supplemental supply from Bee Tree

According to the National Weather Service office at Asheville Regional Airport, rainfall was reported to be 7.5 inches during the month of May. The recorded rainfall at the North Fork Plant was only 4.94 inches or 34.13% less than that recorded at the Airport.

The five month total for 1981 was 18.06 inches for the Asheville area which was 0.43 inch below normal for the period. Our total at the North Fork Plant was only 14.13 inches or 27.81% less than the Asheville area and 35.5% less than that recorded at the water plant the same period in 1980.

Bill, all of the above information is to point out that from all indications we are in for another dry year.

The lake today is still 4.70 feet below full level. On June 6, 1980 the lake receded below spilling level and only recovered the last week in the month before starting down again on July 2, 1980. Unless we have above normal rainfall this summer, the lake is not likely to overflow before going down again.

Assuming that we receive the same rainfall that fell last year, and the lake did fill the 4.7 feet by July, and our daily demand holds at 24 MGD, the lake would be down to 15 feet below spillway level by September 24, 1981. Keep in mind that Raw Water diesel-pumping is required at the 8.5 feet level in order to meet a 24 MGD demand -- this would occur about the middle of August. Two pumps would be required by the first of November when the lake would be about 25 feet down.

All of the above estimates would be generally true if we were not able to get a part of our water from the Bee Tree Supply, but everything changes drastically when this supply is utilized. Following are some facts that I have taken from existing records:

with simple interest closed-in contract. The monthly charge from Municipal Financing Associates, Inc., in the amount of \$162.69 is the lowest price quoted by four financial institutions. He said this resolution will authorize the Mayor to enter into a contract with Municipal Financing Associates, Inc., for said equipment.

Councilwoman Price moved for the adoption of Resolution No. 81-132. This motion was seconded by Councilman Boland and carried unanimously.

Complete text of Resolution No. 81-132 will be found in Resolution Book No. 12 at page 424.

CLAIMS - BERTHA SIMMONS - MRS. RUTH HOWARD - MRS. J. NETHERTON

The City Manager presented claims received from Bertha Simmons, Mrs. Ruth Howard, and Mrs. J. Netherton.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - "HONOR AMERICA DAYS" - JUNE 14-JULY 4, 1981

Mayor Trantham proclaimed June 14 - July 4, 1981, as "Honor America Days."

REQUEST OF HELEN GRAY - OPENING OF BEE TREE LAKE FOR RECREATIONAL USE

Helen Gray spoke to Council relative to opening Bee Tree Lake this summer for recreational use. She said grant funds were used to construct the Bee Tree Lake facility for recreational use and if it is not used for recreational facilities then the city must furnish a like facility. She said the Bee Tree Lake facility should be reopened now. She said signs are still on the highway for the use of Bee Tree for recreational purposes. She said water for the trout is being siphoned from the lake over the dam and she was afraid that the city was going to lose the trout in the lake. She suggested that the City reopen the facility for recreational facilities and also suggested that the city install a filter sytem in order that it could be used for the use of water and recreational facilities. She also suggested that the City begin using water from the French Broad as a water supply.

The City Manager said he had met with Bill DeBruhl, Director of Water and Sewer Services and Ray Kisiah, Director of Parks and Recreation relative to the reopening of Bee Tree Lake. He read the following report:

The City Manager said if the Bee Tree Lake facility was opened for recreational use and then there was a need to use the facility for water use the City would have to wait sixty (60) days before reopening the facility for water use. He said to install a filtration system at Bee Tree Lake would cost in excess of \$1,000,000. He said in addition there is a need for a \$1,000,000 dam project at Bee Tree.

The City Manager said it was his recommendation that Bee Tree Lake not be opened this summer for recreational use but reopen the facility on March 1, 1982, for recreational use. He said recreation is very important but the water supply for the citizens of Asheville has priority. He said as far as Mrs. Gray's comments relative to the stipulation in the grant that the facility be used for recreational purposes he said the City was still on an emergency type situation relative to water supply and did not feel that the City would be made, at this time to open the facility for recreational use.

RALPH BISHOP - COMMENTS RELATIVE TO ESTABLISHING A SCHEDULE OF PRICES FOR GRAVESIDE SITES AT RIVERSIDE CEMETERY

Mr. Ralph Bishop spoke in opposition to a resolution adopted by Council on June 4, 1981, relative to establishing rates for graveside sites at Riverside Cemetery.

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Boland, the meeting adjourned at 6:00 p.m.

Wayne Harrison
MAYOR

William S. McCreary
CITY CLERK

Memorandum to: Bill Debruhl
Page 2
June 9, 1981

103

1. To date 234 million gallons of water has been taken from the Bee Tree Lake. This amounts to 22.83% of our total output since April 21, 1981.
2. Bee Tree usage has saved 2.6 feet of storage in the North Fork Reservoir.
3. Every three weeks operation at Bee Tree will save one foot draw-down at North Fork if the present 5 MGD flow is maintained. If the flow at Bee Tree is increased to 7 MGD, one foot in storage at North Fork would be gained every two weeks.
4. If 7 MGD or 30% of our demand is met by the Bee Tree supply, the North Fork Lake would not be at the 15 foot level until late in October. By cutting the daily filter demand at North Fork back to 17 MGD, it is doubtful that pumping would be required until the lake got down to about 25 feet which might not occur this year with 7 MGD coming from Bee Tree.
5. Diesel fuel expenses so far this fiscal year have been in excess of \$40,000. Only \$15,000 has been budgeted for Fiscal 1981-1982. This does not include additional costly equipment maintenance expenses that are incurred by 24 hour pumping by equipment that has no standby or backup capabilities when both pumps are required.
6. It would be impossible to meet the 24 MGD demand on the system if the lake got much below 30 feet, and if one of the two diesels pumping raw water to the filters were shut down for major repairs.

I have given you the facts as I see them. They are based on our records and past operating experience. I think that Bee Tree as a source of emergency water supply should be kept under the full control of the Water Department, and the Watershed should be retained as a class A-1 water supply source with no recreational activity being permitted anywhere on the property.

REB:rf

Complete text of Resolution No. 81-133 will be found in Resolution Book No. 12 at page 425.

ORDINANCE NO. 1224 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1981-82

4. Consideration was given to the second reading of Ordinance No. 1224, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1981-82.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

Mrs. Jean Webb, Executive Director of Quality Forward, spoke on behalf of the requested increase to the Quality Forward budget for 1981-82. She requested that the City of Asheville fund Quality Forward 31% of their requested budget of \$56,000 as in the past. She said the increase in the budget was due to funding for a full time secretary, funding to attend a work shop in Washington for Keep America Beautiful, funding for the expansion of the April Clean Sweep Program and the Cultural Division of Quality Forward.

Morris McGough, Director of the Western North Carolina Development Association, spoke on behalf of the requested increase proposed for the 1981-82 budget for the Western North Carolina Development Association. He presented to Council copies of the proposed 1981-82 budget.

Ralph Bishop spoke in opposition to the proposed budget and his difficulty in obtaining an itemized budget for 1981-82.

On a roll call vote of 6-0, Ordinance No. 1224 passed on second reading.

ORDINANCE NO. 1221 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

5. Consideration was given to the third reading of Ordinance No. 1221, an ordinance providing for revisions to the water rates and charges.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

Councilman Wilkes moved to postpone the third reading of Ordinance No. 1221 until June 25, 1981, giving Council an opportunity to review the rate structure and provide for more equitable increases. This motion was seconded by Councilwoman Price and carried unanimously.

Michael Holcombe, of the Water and Sewer Department, presented Council with several proposed rate increase structures.

It was the consensus of Council to have a work session on Tuesday, June 23, 1981, at 8:00 A.M., to review the rate structures presented by Mr. Holcombe.

Thursday - June 18, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Harold F. Brownlee.

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 11, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the June 11, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-132 - RESOLUTION OF APPRECIATION OF MR. JOHN BEST FOR HIS SERVICE AS A MEMBER OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

2. Consideration was given to a resolution of appreciation to Mr. John Best for his service as a member of the City of Asheville Civil Service Board.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 81-132 was unanimously adopted.

Complete text of Resolution No. 81-132 will be found in Resolution Book No. 12 at page 424.

RESOLUTION NO. 81-133 - RESOLUTION OF APPRECIATION TO SISTER MARY VERONICA SCHUMACHER FOR HER SERVICE AS A MEMBER OF THE CITY OF ASHEVILLE CIVIL SERVICE BOARD

3. Consideration was given to a resolution of appreciation to Sister Mary Veronica Schumacher for her service as a member of the City of Asheville Civil Service Board.

The City Manager read the resolution.

Upon motion Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-133 was unanimously adopted.

ORDINANCE NO. 1223 - ORDINANCE AMENDING ORDINANCE NO. 914 RELATING TO THE SCHEDULE OF PENALTIES FOR PARKING VIOLATION

7. Consideration was given to the third reading of Ordinance No. 1223, an ordinance amending Ordinance No. 914 relating to the schedule of penalties for parking violation.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

Upon inquiry of Councilman Wilkes, the City Manager said the City would be following the advice of the City attorney and City auditor relative to funding in the Cauble Suit. He said if necessary the funds would be taken from the fund balance.

Ralph Bishop spoke in oppositon to this ordinance.

On a roll call vote of 6-0, Ordinance No. 1223 passed on third and final reading.

Complete text of Ordinance 1223 will be found in Ordinance Book No. 9 at page 237-238.

ORDINANCE NO. 1226 - ORDINANCE REMOVING THE DOG LICENSE TAX FROM THE REVENUE ORDINANCE (ORDINANCE NO. 1027) AND SETTING UP SAID TAX ON A CALENDAR YEAR BASIS

8. Consideration was given to an ordinance removing the dog license tax from the revenue ordinance (Ordinance No. 1027) and setting up said tax on a calendar year basis.

The City Manager read the ordinance stating that this ordinance will change the dog license tax from a fiscal year basis to calendar year basis.

The City Manager said an arrangement had been worked out with the Buncombe County Board of Tax Supervision who will be sending out statements for dog license tax along with the tax listings in December.

Councilwoman Price moved for the adoption of Ordinance No. 1226. This motion was seconded by Councilman Boland.

On a roll call vote of 6-0, Ordinance No. 1226 passed on first reading.

Councilman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1226. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1226 passed on second reading.

ORDINANCE NO. 1222 - ORDINANCE AMENDING ORDINANCE NO. 814 RELATING TO PARKING LOTS OF THE CITY OF ASHEVILLE

6. Consideration was given to the third reading of Ordinance No. 1222, an ordinance amending Ordinance No. 814 relating to parking lots of the City of Asheville.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

Vice-Mayor Morris said the City staff had requested an amendment to this ordinance and therefore moved that Ordinance No. 1222 be amended by adding the following at the end of Section 1-(a) ",except for Parking Lot No. 1 located at the corner of Rankin Avenue and College Street which shall be 40¢ for the first hour, 25¢ for each additional hour up to a daily maximum of \$2.40, and Parking Lot No. 35 located at the corner of Otis Street and Post Street which shall be 40¢ for the first hour, 25¢ for each additional hour up to a daily maximum of \$1.00." This motion was seconded by Councilwoman Price and carried unanimously.

Upon inquiry of Councilman Wilkes relative to the daily maximum of \$1.00 proposed for Parking Lot No. 35, Michael Smith, Director of Administration said the maximum of \$1.00 was recommended by Noel Calloway, Parking Lot Supervisor, due to the fact that a lot of all-day parkers use Lot No. 35 and this would provide for a more equitable rate for the all day parkers.

Andrea Austin suggested that since the City is charging the same parking rate for automobiles with City stickers and without stickers that the City provide a few more free parking days for those with stickers.

Councilman Wilkes said he would like to see Ms. Austin's suggestion considered.

Larry Ward of the Public Works Department said a survey would have to be made relative to the number of cars with City stickers using the parking lots to determine the loss of revenue if such a suggestion is implemented.

After discussion, the City Manager said the City staff would study the suggestion and a recommendation given back to Council in thirty (30) to sixty (60) days.

Ralph Bishop spoke in opposition to the suggestion offered by Ms. Austin.

On a roll call vote of 6-0, Ordinance No. 1222 passed on third and final reading.

Complete text of Ordinance No. 1222 will be found in Ordinance Book No. 9 at page 236.

A discussion was held relative to Vice-Mayor Morris' comments.

Councilwoman Price said the way the voting is set up it would make the referendum more difficult to pass but it would be more workable if it passed in this manner.

Complete text of Resolution No. 81-134 will be found in Resolution Book No. 12 at page 426.

APPROVAL OF THE CONSENT AGENDA

11. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-135 - Resolution authorizing adopting, approving, accepting, and ratifying the execution of Amendment No. 1 to grant agreement for project No. 6-37-0005-06 between the United States of America and the City of Asheville, North Carolina.

HIGHLIGHTS: This amendment to the grant agreement will provide for the installation of two (2) automatic security gates at the Asheville Regional Airport. The City of Asheville originally applied for this grant agreement and therefore must sign the amendment.

Resolution Book No. 12 at page 427.

- B. Scheduling of a public hearing relative to rezoning property located on Mt. Clare and Woodrow Avenue area for July 9, 1981.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held June 3, 1981, considered a petition that Ward 2, Sheet 5, Lots 37½, 37½, 41, 138, 139, 140, and 141½ be rezoned from R-3 Residential District to CS Commercial Service District. After discussing the issues of the request, the Commission voted to recommend denial of this petition to City Council. The petitioner has appealed the decision of the Planning and Zoning Commission and Council must schedule a public hearing on the rezoning request.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the consent agenda was unanimously approved.

Councilman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1226. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1226 passed on third and final reading.

Complete text of Ordinance No. 1226 will be found in Ordinance Book No. 9 at page 242-243.

BUDGET AMENDMENT - 1980-81 OPERATING BUDGET AND COMMUNITY DEVELOPMENT FUND BUDGET

9. Consideration was given to a budget amendment amending the 1980-81 Annual Operating Budget and Community Development Fund Budget of the City of Asheville.

The City Manager presented the budget amendment stating that this budget amendment in the amount of \$20,000 is to appropriate contributions from Buncombe County and Community Development for the Historical Resources Commission. \$10,000 has been budgeted by the County and \$10,000 has been budgeted by Community Development for a \$20,000 Historical Resources Commission budget.

Councilman Boland moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 81-134 - RESOLUTION REQUESTING LEGISLATIVE ACTION CREATING A CHARTER COMMISSION FOR THE PURPOSE OF PROVIDING FOR AN ELECTION ON THE CONSOLIDATION OF THE GOVERNMENTS OF THE MUNICIPALITIES WITHIN AND THE COUNTY OF BUNCOMBE

10. Consideration was given to a resolution requesting legislative action creating a charter commission for the purpose of providing for an election on the consolidation of the governments of the municipalities within and the County of Buncombe.

The City Manager read the resolution stating that the City Council is requesting legislative action creating a charter commission for the purpose of providing for an election on the consolidation of the governments of the municipalities within and the County of Buncombe.

The City Manager noted that the attachment as stated in the resolution is a draft and contains "R1 - 6/15/81" on the draft.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 81-134 was unanimously adopted.

Vice-Mayor Morris said that he did not particularly like the provision in the draft, that allowed him to vote just as a City resident, that when and if a referendum on metropolitan government is held, that he being a City resident and paying City taxes he should have a vote on the issue and being a part of the County and paying County taxes he should also be allowed to vote as a County resident.

Consideration was given to a resolution establishing heating inspection fees pursuant to Section 8-61 (c) of the City of Asheville Code of Ordinances.

The City Manager read the resolution.

J. E. Johnson, Director of the Inspections Division, said these fees would be uniform with the County of Buncombe.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-137 was unanimously adopted.

Complete text of Resolution No. 81-137 will be found in Resolution Book No. 12 at page 429.

RESOLUTION NO. 81-138 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO AMEND A CONTRACT WITH CARTER-GOBLE ASSOCIATES FOR PROFESSIONAL CONSULTANT SERVICES RELATED TO THE PROPOSED REGIONAL TRANSPORTATION CENTER IN DOWNTOWN ASHEVILLE

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to amend a contract with Carter-Goble Associates for professional consultant services related to the proposed regional transportation center in downtown Asheville.

The City Manager read the resolution stating that the City of Asheville entered into a contract with Carter-Goble Associates in April 1981 with one of the conditions being that the provisional overhead rate was not to exceed 107.9% and after examining audits of Carter-Goble Associates the North Carolina Department of Transportation has stated in writing that it will except the provisional rate of 122.6%. This resolution will authorize the Mayor to amend the contract to change the maximum provisional overhead from 107.9% to 122.6%.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-138 was unanimously adopted.

Complete text of Resolution No. 81-138 will be found in Resolution Book No. 12 at page 429.

RESOLUTION 81-139 - RESOLUTION REQUESTING THAT THE ALLEN CENTER BOARD AUTHORIZE THE CONTINUITIES OF THE ALLEN CENTER FACILITIES FOR THE ASHEVILLE CITY SCHOOLS OPTIONAL PROGRAM

Consideration was given to a resolution requesting that the Allen Center Board authorize the continued use of the Allen Center facilities for the Asheville City Schools optional program.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-139 was unanimously adopted.

CLAIMS - RICHARD MADISON - AGNES OMESA DUNN - JOSEPH D. CHAMBERS
CYNTHIA BROWN JOHNSON - GENEVA FATE

The City Manager presented claims received from Richard Madison, Agnes Omesa Dunn, Joseph D. Chambers, Cynthia Brown Johnson and Geneva Fate.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-136 - RESOLUTION AUTHORIZING THE DIRECTOR OF
PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH PERRY M. ALEXANDER
CONSTRUCTION COMPANY

13. Consideration was given to a resolution authorizing the Director of Public Works to enter into an agreement with Perry M. Alexander Construction Company.

The City Manager read the resolution stating that the City of Asheville leases a certain tract of land for the purpose of the landfill site and in accordance with the provisions of the lease agreement the City of Asheville is required to change the channel of Beaverdam Creek prior to termination of the lease agreement. In order to make the required change it is necessary that an area of rock be blasted away in order to complete the channel change as required by the lease agreement. Perry M. Alexander Construction Company was the only company interested in performing the work and this resolution will authorize the Director of Public Works to enter into such an agreement with Perry M. Alexander Construction Company, Inc.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-136 was unanimously adopted.

Complete text of Resolution No. 81-136 will be found in Resolution Book No. 12 at page 428.

COMMENTS BY KENNETH McDANIELS - RELATIVE TO MRS. TOLULA ROGERS'
STATEMENT AT THE COUNCIL MEETING OF JUNE 11, 1981

Kenneth McDaniels, said he was a member of the Brown Temple CME Church of which he is a Trustee and further a member of the Judiciary Council for the entire Methodist Episcopal Church of the United States. He said at last week's council meeting an old member of their church talked to council about the renaming of Tolula Lane to Old Asheland Avenue. He said she eluded to the fact that their minister of Brown Temple Church, being Councilman H. C. Wilkes, stole \$6,200 from the poor black folks of that church. He said that was a defamatory and untrue remark. He said she only made these comments due to the fact that she was mad at Council for changing the name of the street from Tolula Lane to Old Asheland Avenue.

RESOLUTION NO. 81-137 - RESOLUTION ESTABLISHING HEATING INSPECTION
FEES PURSUANT TO SECTION 8-61 (C) OF THE CITY OF ASHEVILLE CODE
OF ORDINANCES

Thursday - June 25, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 25, 1981, meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the June 25, 1981, meeting were approved as submitted.

RECOGNITION OF POLICE OFFICERS - SERGEANT MILES WEBB - OFFICER WILLIE ALLEN - OFFICER WALT MASTERS - OFFICER JOHN SOWERS - PATROLMAN DEAN CRISP

The City Manager recognized Sergeant Miles Webb - Officer Willie Allen - Officer Walt Master - Officer John Sowers and Patrolman Dean Crisp for receiving an award in recognition for their volunteer efforts working along with Blue Ridge Community Health in drug education. The City Manager presented a plaque to these officers to be placed in the Police Department.

PRESENTATION BY MR. PETER WINSLOW - PETITION TO REZONE KENILWORTH AREA

2. Mr. Peter Winslow, President of the Kenilworth Residents' Association introduced Dr. Jesse Chapman who said that Ordinance No. 1137, Section 3-A, provides a mechanism whereby individual property owners in an area may petition City Council to consider initiating a special zoning study to determine if a change in the development plan for the area is warranted. He said he represented the residents of the Kenilworth area which has 657 property owners. He presented a petition with 479 signatures or 73% of the property owners in the area. He said the area in the petition contains 448 acres of privately owned land and the signers of the petition own 256 acres or 57% of the land. He said, therefore, they feel they conform to the requirements of Ordinance 1137 in that a minimum of 51% of the property owners of the area, who own at least 51% of the property located in the area, are of the opinion that the character of the area has significantly changed and request that City Council initiate such a special zoning study. Dr. Chapman

Complete text of Resolution No. 81-139 will be found in Resolution Book No. 12 at page 430.

Councilman Wilkes requested that a copy of the resolution be sent to the Board of Global Ministries of the United Methodist Church.

RESOLUTION NO. 81-140 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A LEASE AGREEMENT WITH WATER PARK CONSULTANTS FOR THE OPERATION OF A WATER SLIDE AT RECREATION PARK

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a lease agreement with Water Park Consultants for the operation of a water slide at Recreation Park.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said there was a great possibility of the City obtaining revenue from this type facility.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-140 was unanimously adopted.

Complete text of Resolution No. 81-140 will be found in Resolution Book No. 12 at page 431.

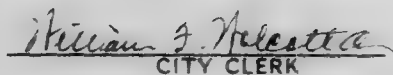
RALPH BISHOP - COMMENTS RELATIVE TO HIS RESIDENCE

Ralph Bishop spoke to Council relative to his place of residence.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:40 P.M.


MAYOR


CITY CLERK

Mayor Trantham opened the public hearing at 4:27 P.M.

Attorney Robert J. Robinson, representing the City of Asheville, said Mr. Allison, the appellant in the matter, has recently employed Attorney O. Max Gardner, III, of Shelby to represent him on this appeal. He said he had met with Mr. Gardner on several occasions relative to this appeal. He said last week Mr. Gardner had presented to him some information, which would appear from a review of the pension board files, was not made available to the Board of Examiners at the time this matter was originally heard. He said for that reason he had agreed with Mr. Gardner that the proper remedy at this time would be to remand this matter to the Board of Examiners for further consideration. He said Mr. Gardner had also agreed that he would stipulate to the fact that the sole purpose of the hearing before the Board of Examiners would be a determination as to whether Mr. Allison should be retired under normal retirement or whether he should be entitled to disability not in the line of duty which would make a difference. He said there would be a substantial difference from the original application which was for retirement due to disability in line of duty.

Attorney Robinson recommended that the appeal be remanded to the Board of Examiners of the Asheville Policemen's Pension and Disability Fund.

Mayor Trantham closed the public hearing at 4:29 P.M.

Vice-Mayor Morris moved to remand the appeal of W. B. Allison to the Board of Examiners of the Asheville Policemen's Pension and Disability Fund. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1224 - ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1981-82

4. Consideration was given to the third reading of Ordinance No. 1224, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1981-82.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be reread in its entirety unless there was a specific request to do so.

Mr. Bob Wurst, Director of Budget and Audit, summarized the following changes in Ordinance No. 1224 as requested by Council.

That Ordinance No. 1224 adopting the Fiscal 1981-82 Operating Budget be amended on third reading as follows:

said the Kenilworth area is an older area with meandering streets. He said under the present zoning the R-3 Residential area is very vulnerable to serious problems with rapid increases in population density. He said an increase in population density would overload the capacity of the streets, sewers, storm drains, and water. He said such a project is proposed for the Kenilworth area known as "Sugar Tree Project" which proposes 151 apartment units. He said this would increase the Kenilworth population by 23%. He said such a population increase would wreck the way of life currently enjoyed by the Kenilworth residents. He said it would also require widening of streets and improvements to the sewer and water system, which demands would have to be met with City funds. He said 80% of the Kenilworth area conforms to the R-1 requirements of four units per acre. He said the average density in Kenilworth is two units per acre. He said the residents of Kenilworth are concerned about maintaining low density requirements. Therefore, the residents of Kenilworth are asking that Council direct that a study be made and that Kenilworth be rezoned from R-3 to R-1; and, further, that Council pass a moratorium on building until such a study is complete and a decision reached. He said building should not be allowed to proceed in the Kenilworth area at the present rate.

Verl Emrick, Director of Planning, said the procedure for Council to follow is adoption of a motion to formally accept the petition presented by the Kenilworth Residents' Association and remand the petition to the Planning and Zoning Commission. He said as far as the moratorium is concerned all legal processes would have to be gone through, such as the public hearing and the adoption of an ordinance imposing such a moratorium.

Councilman Boland moved to accept the petition presented by the Kenilworth Residents Association and to remand the petition to the Planning and Zoning Commission for further study and recommendation. This motion was seconded by Councilman Wilkes and carried unanimously.

Mayor Trantham informed Dr. Chapman that Council had discussed this issue and would have a work session on Tuesday, June 30, 1981, at 3:00 P.M. to discuss the Kenilworth Residents' Association's request relative to a moratorium.

PUBLIC HEARING - APPEAL DECISION OF THE BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND - W. B. ALLISON

3. A public hearing was held relative to an appeal of the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund for W. B. Allison.

NOTE: W. B. Allison retired from the Asheville Police Department under normal retirement in 1977. In December of 1978, Mr. Allison requested a change of status from normal retirement to disability retirement in the line of duty. After reviewing evidence presented by Mr. Allison, the Board of Trustees denied Mr. Allison's request. Mr. Allison is appealing the decision of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund to the Asheville City Council. This hearing is being held pursuant to the North Carolina General Statutes.

ORDINANCE NO. 1221 - ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

5. Consideration was given to the third reading of Ordinance No. 1221, an ordinance providing for revisions to the water rates and charges.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be reread in its entirety unless there was a specific request to do so.

The City Manager presented the following proposed amendment to Ordinance No. 1221:

A motion that Ordinance No. 1221, Section 1(A) be amended to read as follows:

- 1) Part A of the said Section is amended to read as follows:

Section A. That on and after the 1st day of July, 1981, the rates and charges for water delivered directly to consumers or for resale to consumers from the municipal water supply shall be as follows:

The first 300 cu. ft. or fraction thereof used per month	\$1.86 per 100 cu. ft.
The next 3700 cu. ft. or fraction thereof used per month	\$1.49 per 100 cu. ft.
The next 22,700 cu. ft. or fraction thereof used per month	\$1.22 per 100 cu. ft.
The next 40,000 cu. ft. or fraction thereof used per month	\$0.96 per 100 cu. ft.
The next 333,000 cu. ft. or fraction thereof used per month	\$0.76 per 100 cu. ft.
All over 400,000 cu. ft. or fraction thereof used per month	\$0.53 per 100 cu. ft.

Councilman Wilkes moved to amend Ordinance No. 1221 as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

Ralph Bishop opposed Ordinance No. 1221.

On a roll call vote of 5-1, Ordinance No. 1221 passed on third and final reading with Councilman Brownlee voting "no."

Complete text of Ordinance No. 1221 will be found in Ordinance Book No. 9 at page 235.

General Fund:

<u>Revenues</u>	<u>From</u>	<u>To</u>	<u>Increase (Decrease)</u>
Transfer from Water Fund	<u>848,099</u>	<u>1,356,958</u>	<u>508,859</u>
 <u>Appropriations</u>			
Inter/Extra Governmental Services	1,177,137	1,635,442	458,305
Non-Departmental - Contingency	<u>100,000</u>	<u>150,554</u>	<u>50,554</u>
	<u>\$1,277,137</u>	<u>\$1,785,996</u>	<u>\$508,859</u>

Water Fund:Revenues

Contribution from County for Maintenance	0	\$ 800,000	<u>\$800,000</u>
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AppropriationsDepartment-Wide Expenses

Transfer to General Fund	848,099	1,356,958	508,859
Capital Improvement Reserve	1,136,174	627,315	(508,859)
Contingency for Maintenance of County Water Lines	<u>0</u>	<u>800,000</u>	<u>800,000</u>
Activity Total	<u>1,984,273</u>	<u>2,784,273</u>	<u>800,000</u>

Councilman Boland moved to amend Ordinance No. 1224 as presented by Mr. Wurst. This motion was seconded by Vice-Mayor Morris and carried unanimously.

Ralph Bishop spoke in opposition to the ordinance and his difficulty in obtaining an itemized and notarized budget.

On a roll call vote of 5-1, Ordinance No. 1224 passed on third and final reading with Councilman Brownlee voting "no."

Complete text of Ordinance No. 1224 will be found in Ordinance Book No. 9 at page 239-240.

RESOLUTION No. 81-141 - RESOLUTION CONCERNING THE RESPONSIBILITIES OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY UNDER THE 208 AREA-WIDE WATER QUALITY MANAGEMENT PLAN WITH RESPECT TO SEWERAGE COLLECTOR AND INTERCEPTOR LINES

8. Consideration was given to a resolution concerning the responsibilities of the Metropolitan Sewerage District of Buncombe County under the 208 Area-wide Water Quality Management Plan with respect to sewerage collector and interceptor lines.

The City Manager read the resolution stating that the Asheville City Council had previously indicated an interest in the Metropolitan Sewerage District of Buncombe County assuming responsibility for sewerage collector and interceptor lines. The Metropolitan Sewerage District Board on April 21, 1981, adopted a resolution entitled "Resolution concerning the responsibilities of the Metropolitan Sewerage District of Buncombe County under the 208 Area-wide Water Quality Management Plan with respect to sewerage collector and interceptor lines." This resolution will approve the resolution adopted by the Metropolitan Sewerage District Board. However, prior to the implementation of this resolution, the City Council would like responses to a list of detailed questions which is attached and made a part of the resolution.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-141 was unanimously adopted.

Complete text of Resolution No. 81-141 will be found in Resolution Book No. 12 at page 432.

AUTOHAUS OF ASHEVILLE - APPROVAL OF SIGN PERMITS

9. Consideration was given to the approval of a sign permit for Autohaus of Asheville.

Mr. J. E. Johnson, Director of Inspections, explained that Autohaus of Asheville has applied for a sign permit to erect a roof sign, wall sign and two (2) freestanding signs to be located at 2 Kenilworth Knoll. These signs will be situated closer than 600' from a limited access highway which requires approval of Council pursuant to Zoning Ordinance No. 322. The signs have been approved by the Zoning Board of Adjustment.

Councilman Brownlee moved to approve the sign permit for Autohaus of Asheville as presented by Mr. Johnson. This motion was seconded by Vice-Mayor Morris and carried unanimously.

APPROVAL OF CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen,

BUDGET AMENDMENT - 1980-81 OPERATING BUDGET AND GENERAL CAPITAL PROJECTS BUDGET - CITY OF ASHEVILLE

6. Consideration was given to a budget amendment amending the 1980-81 Operating Budget and General Capital Projects Budget for the City of Asheville.

The City Manager presented the budget amendment stating that this budget amendment in the amount of \$40,750 is to appropriate funds for right-of-way acquisition and improvements to the intersection of Middlebrook and Old Haw Creek Road for the Cinnamon Ridge Apartment Complex per City Council's decision on January 8, 1981. \$20,500 of the project cost will be contributed by Cinnamon Ridge, Ltd., and \$20,250 will come from City funds.

Vice-Mayor Morris moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - 1980-81 ANNUAL OPERATING BUDGET - CITY OF ASHEVILLE

7. Consideration was given to a budget amendment amending the 1980-81 Annual Operating Budget of the City of Asheville.

The City Manager presented the budget amendment stating that this budget amendment in the amount of \$3,000 is to transfer money from the Civic Center budget to the Traffic Engineering budget to pay half of the \$6,000 cost of providing traffic signals and traffic islands in front of the Civic Center.

Councilman Brownlee moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

Vice-Mayor Morris said that he had received a call from a person with a visual handicap that rides the bus concerning the new islands being installed in the front of the Asheville Civic Center. He said upon visiting the area, he found there were 3 or 4 wheelchair ramps going off the islands to permit access to and from the buses and in between the ramps, benches had been placed which were a definite hazard to anyone with a visual handicap. Vice-Mayor Morris said he felt the ramps were too narrow and suggested that the number of ramps be decreased, the cut-outs in the ramps filled in and the ramps painted a distinctive color, and the benches either removed or turned around backwards.

The City Manager said the State law requires a certain number of ramps, but that he would visit the area and report to Council what could be done regarding their concerns and if the State law required all of the ramps being installed.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:00 P.M.

Ralph W. W. W.
MAYOR

William F. Walcott
CITY CLERK

a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-142 - Resolution appointing members to the Asheville Area Civic Center Commission.

HIGHLIGHTS: This resolution will reappoint Mr. Fred Brown, Mr. Charles S. David, and Mrs. Carolyn Thompson as members of the Asheville Area Civic Center Commission.

Resolution Book No. 12 at page 433.

- B. Resolution No. 81-143 - Resolution appointing members to the Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: This resolution will reappoint Mr. Wayne Caldwell and Mr. Mike Cox to the Asheville-Buncombe Historic Resources Commission.

Resolution Book No. 12 at page 434.

- C. Resolution No. 81-144 - Resolution appointing members to the Board of Electrical Examiners and members of the Board of Motion Picture Operators.

HIGHLIGHTS: This resolution will reappoint Mr. J. Michael Boozer, Mr. Malachie Cromartie, Mr. Frank Davis, Mr. Walter Harlow, and Mr. Larry Keenan as members of the Board of Electrical Examiners and will reappoint Mr. Roy B. Gibbs and Mr. L. B. Simmons as members of the Board of Examiners of the Motion Picture Operators.

Resolution Book No. 12 at page 435.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

CLAIMS - RALPH PINKSTON - PATRICIA ROBINSON - GARY SHERMAN

The City Manager presented claims received from Ralph Pinkston, Patricia Robinson, and Gary Sherman.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - PENALTIES FOR PARKING VIOLATION TO GO INTO THE SCHOOL FUND

Ralph Bishop said it was his understanding that all of the penalties raised from parking violations belong in the school fund and not in the City's General Fund. He said Council should be doing something about this.

Mayor Trantham opened the public hearing at 4:07 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said the amendments will adopt the 1978 N. C. State Building Code, Volume I, General Construction, and will implement a new fee schedule as recommended under the MICA Fees and Charges Study for new construction and will adopt the same fee schedule as Buncombe County for reconstruction, alteration, and repair.

Mayor Trantham closed the public hearing at 4:13 P.M.

The City Manager read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1227. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1227 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1227. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1227 passed on second reading.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE RELATIVE TO AMENDMENTS OF CHAPTER 11, SECTION 11-1, ENTITLED "SHORT TITLE" AND SECTION 11-54, ENTITLED "INSPECTION FEES - GENERALLY"

ORDINANCE NO. 1228 - AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF ASHEVILLE CODE OF ORDINANCE TO ADOPT THE NORTH CAROLINA ELECTRICAL CODE AND ESTABLISHING ELECTRICAL INSPECTION FEES

4. A public hearing was held relative to the adoption of an ordinance relative to amendments to Chapter 11, Section 11-1, entitled "Short Title" and Section 11-54, entitled "Inspections Fees - Generally."

Mayor Trantham opened the public hearing at 4:21 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. J. E. Johnson, Director of Inspections, said the amendments will adopt the current N. C. Electrical Code and implement a new fee schedule to be uniform with Buncombe County inspection fees.

Mayor Trantham closed the public hearing at 4:23 P.M.

The City Manager said since members of Council had previously been furnished with copies of the ordinance, the ordinance would not be read in its entirety unless there was a specific request to do so.

Thursday - July 2, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 25, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the June 25, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-145 - RESOLUTION OF COMMENDATION OF LAWRENCE B. (BABE) MASON, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

2. Consideration was given to a resolution of commendation of Lawrence B. (Babe) Mason, retiring employee of the City of Asheville.

The City Manager read the resolution stating that Lawrence B. (Babe) Mason had been employed by the City of Asheville for over fourteen (14) years at Bee Tree Lake, and retired from service on June 30, 1981.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-145 was unanimously adopted.

Complete text of Resolution No. 81-145 will be found in Resolution Book No. 12 at page 436.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE RELATING TO AMENDMENTS TO CHAPTER 8, SECTION 8-1, ENTITLED "STATE BUILDING CODE ADOPTED" AND SECTION 8-12, ENTITLED "PERMIT FEES"

ORDINANCE NO. 1227 - AN ORDINANCE AMENDING SECTIONS 8-1, 8-3, 8-6, 8-7, AND 8-12 OF CHAPTER 8 OF THE CODE OF ORDINANCES TO ADOPT THE NORTH CAROLINA STATE BUILDING CODE, THE STATE UNIFORM RESIDENTIAL CODE, AMENDING REQUIREMENTS FOR PLANS AND SPECIFICATIONS AND LIMITATIONS ON ISSUANCE OF PERMITS, AND ESTABLISHING BUILDING INSPECTIONS PERMIT FEES

3. A public hearing was held relative to the adoption of an ordinance relating to amendments to Chapter 8, Section 8-1, entitled "State Building Code adopted" and Section 8-12, entitled "Permit Fees."

PUBLIC HEARING - ADOPTION OF AN ORDINANCE RELATIVE TO AMENDMENTS
TO CHAPTER 8, SECTION 8-61, ENTITLED "HEATING CODE ADOPTED"

ORDINANCE NO. 1230 - AN ORDINANCE REPEALING ARTICLE IV, ENTITLED
"HEATING CODE" OF CHAPTER 8 OF THE CODE OF ORDINANCES AND
ADOPTING A NEW HEATING CODE FOR THE CITY OF ASHEVILLE

6. A public hearing was held relative to the adoption of an ordinance relative to amendments to Chapter 8, Section 8-61, entitled "Heating Code Adopted."

Mayor Trantham opened the public hearing at 4:29 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. J. E. Johnson, Director of Inspections, said this amendment will adopt the 1980 Edition of the North Carolina Heating Code.

Mayor Trantham closed the public hearing at 4:30 P.M.

The City Manager said since members of Council had previously been furnished with copies of the ordinance, the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilman Boland moved for the adoption of Ordinance No. 1230. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1230 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1230. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1230 passed on second reading.

PUBLIC HEARING - GROUP DEVELOPMENT OF "HARRY LERNER APARTMENT
BUILDING" - TO BE LOCATED AT THE CORNER OF CENTRAL AVENUE AND
HI ALTA

7. A public hearing was held relative to a group development of "Harry Lerner Apartment Building" to be located at the corner of Central Avenue and Hi Alta.

Mayor Trantham opened the public hearing at 4:33 P.M.

The City Manager presented the notice to the public stating the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held June 3, 1981, reviewed the site plan of a proposed apartment building to be located at the corner of Central Avenue

Councilman Boland moved for the adoption of Ordinance No. 1228. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1228 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1228. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1228 passed on second reading.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE RELATIVE TO CHAPTER 20, SECTION 20-1, ENTITLED "PLUMBING CODE ADOPTED" AND SECTION 20-2, ENTITLED "PLUMBING PERMITS - INSPECTIONS, FEES"

ORDINANCE NO. 1229 - AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES TO ADOPT THE NORTH CAROLINA PLUMBING CODE AND ESTABLISHING PLUMBING INSPECTION FEES

5. A public hearing was held relative to the adoption of an ordinance relative to amendments to Chapter 20, Section 20-1, entitled "Plumbing Code Adopted" and Section 20-2 entitled "Plumbing Permits - Inspections, fees."

Mayor Trantham opened the public hearing at 4:27 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. J. E. Johnson, Director of Inspections, said the amendments will adopt the 1980 N. C. Plumbing Code and implement a new fee schedule to be uniform with Buncombe County inspection fees.

Mayor Trantham closed the public hearing at 4:28 P.M.

The City Manager said since members of Council had previously been furnished with copies of the ordinance, the ordinance would not be read in its entirety unless there was a specific request to do so.

Councilwoman Price moved for the adoption of Ordinance No. 1229. This motion was seconded by Councilman Wilkes.

On a roll call vote of 7-0, Ordinance No. 1229 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1229. This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1229 passed on second reading.

A discussion was held relative to amending the ordinance to provide parking for the medical practice building as well as providing a buffer zone.

Mayor Trantham closed the public hearing at 5:00 P.M.

Verl Emrick, Director of Planning, read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1231 with the inclusion of Lot #1, being the rear portion of the southern property line. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1231 passed on first reading.

ORDINANCE NO. 1232 - ORDINANCE AMENDING SECTION 28-81.6 AND SECTION 28-81.7 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

9. Consideration was given to an ordinance amending Section 28-81.6 and Section 28-81.7 of Article IV (speed regulations) of Chapter 28 of the Code of Ordinance of the City of Asheville.

The City Manager read the ordinance stating that this ordinance will change the speed limit from the Asheville Cross-town Expressway to Hill Street from 45 mph to 50 mph as requested by the North Carolina Department of Transportation.

Councilman Cole moved for the adoption of Ordinance No. 1232. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1232 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1232. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1232 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1232. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1232 passed on third and final reading.

Complete text of Ordinance No. 1232 will be found in Ordinance Book No. 9 at page 257.

and Hi Alta. The Commission voted to recommend to City Council that the site plan be approved subject to: 1) Providing buffering in accordance with Section 30-3-14 (A) (2) of the Asheville Zoning Ordinance; and 2) That the fire hydrant be moved as near as practical to the intersection of Central Avenue and Hi Alta.

Mr. Emrick said the developers had agreed to all stipulations of the Planning and Zoning Commission. By the use of a map, Mr. Emrick reviewed the location of the proposed apartment complex.

Mayor Trantham closed the public hearing at 4:40 P.M.

Councilman Cole moved to approve the group development plan of "Harry Lerner Apartment Building" to be located at the corner of Central Avenue and Hi Alta. This motion was seconded by Councilman Brownlee and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY AT #8 TEMPLE AVENUE FOR MR. JOHN C. DAVIES

ORDINANCE NO. 1231 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

8. A public hearing was held relative to rezoning property at #8 Temple Avenue for Mr. John C. Davies.

Mayor Trantham opened the public hearing at 4:43 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held June 3, 1981, considered a petition that Ward 9, Sheet 6, Lot 504 be rezoned from R-3 Residential District to CH Commercial Highway District. The Commission voted to recommend to City Council that the lower .30 of an acre of Lot 504 be rezoned to CH Commercial Highway and leave the remaining .17 of an acre R-3 Residential District as a buffer zone. The petitioner, in accordance with Zoning Ordinance #322, has requested that the City Council hold a public hearing on their entire request that Ward 9, Sheet 6, Lot 504 be rezoned as petitioned.

By the use of a map, Mr. Emrick reviewed the location of the property in question. He said the owners are asking for the rezoning of their property for the purpose of allowing construction of a professional office building which will house two physicians.

Juanita Wright, of Preferred Properties, agent for the owners, spoke in favor of the rezoning.

Dr. Michael Zboyouski also spoke in favor of the rezoning. He said the office building will be used for chiropractor's offices.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1234. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1234 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1234. This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1234 passed on third and final reading.

Complete text of Ordinance No. 1234 will be found in Ordinance Book No. 9 at page 259-260.

RESOLUTION NO. 81-146 - RESOLUTION INCREASING DAILY GREENS FEES AT MUNICIPAL GOLF COURSE

12. Consideration was given to a resolution increasing daily greens fees at Municipal Golf Course.

The City Manager read the resolution stating that this resolution will increase the daily greens fees at the Asheville Municipal Golf Course from \$5 to \$6 for Saturdays, Sundays, and holidays and from \$4 to \$5 for weekdays.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-146 was unanimously adopted.

Complete text of Resolution No. 81-146 will be found in Resolution Book No. 12 at page 437.

RESOLUTION NO. 81-147 - RESOLUTION ESTABLISHING DEVELOPMENT PERMIT FEES PURSUANT TO SECTION 8-83 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES (CITY OF ASHEVILLE EROSION CONTROL ORDINANCE)

13. Consideration was given to a resolution establishing development permit fees pursuant to Section 8-83 of the City of Asheville Code of Ordinances (City of Asheville Erosion Control Ordinance).

The City Manager said since members of Council had previously been furnished with copies of the resolution, the resolution would not be read in its entirety unless there was a specific request to do so.

NOTE: This resolution will establish a fee schedule for development permits pursuant to the requirements of Section 8-83 of the City of Asheville Code of Ordinances (City of Asheville Erosion Control Ordinance) and the fee schedule will be based upon the total cost of all work required in the development of a site which shall include, but not be limited to, all grading, erosion and sedimentation control, paving, and drainage.

ORDINANCE NO. 1233 - ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1980-81

10. Consideration was given to an ordinance amending the Operating and Capital Budget of the City of Asheville for Fiscal Year 1980-81.

The City Manager read the ordinance stating that this ordinance will summarize and ratify all budget amendments made to the Fiscal 1980-81 budget ordinance from April 2, 1981, to June 25, 1981.

Councilman Cole moved for the adoption of Ordinance No. 1233. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1233 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1233. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1233 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1233. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1233 passed on third and final reading.

Complete text of Ordinance No. 1233 will be found in Ordinance Book No. 9 at page 258.

ORDINANCE NO. 1234 - ORDINANCE ESTABLISHING THE SEVENTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AS A CAPITAL PROJECT FOR THE CITY OF ASHEVILLE

11. Consideration was given to an ordinance establishing the Seventh Year Community Development Block Grant entitlement as a capital project for the City of Asheville.

The City Manager read the ordinance stating that the City of Asheville was notified by the Department of Housing and Urban Development area office in a communication to Mayor Roy M. Trantham dated June 17, 1981, that an entitlement of \$1,690,000 had been approved. This ordinance will establish a capital project for said funds.

Councilman Wilkes moved for the adoption of Ordinance No. 1234. This motion was seconded by Councilman Brownlee.

On a roll call vote of 7-0, Ordinance No. 1234 passed on first reading.

- B. Approval of bids received June 15, 1981, for one forklift for Water and Sewer Department.

HIGHLIGHTS: Four bids were received. Recommendation of acceptance of the low bid submitted by Vesco Industrial Trucks of Hickory in the amount of \$14,947. Sufficient funds for this purchase will be provided in the Water and Sewer Department Water Maintenance Division budget.

- C. Approval of bids received June 25, 1981, for two vehicles for the Asheville Police Department.

HIGHLIGHTS: One bid was received. Recommendation of acceptance of the bid submitted by Appletree Chevrolet in the amount of \$12,139.92. Sufficient funds for this purchase will be available in the General Revenue Fund, Police Department Activity.

- D. Approval of bids received May 21, 1981, for 63 mobile radio units.

HIGHLIGHTS: Two bids were received. Recommendation of acceptance of the low bid submitted by General Electric MCBF in the amount of \$62,874.00. Sufficient funds for this purchase will be available in the General Revenue Sharing Fund, Public Works Department and the Water and Sewer Department Appropriations.

- E. Resolution No. 81-150 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Warren Brothers Company for the project known as Fiscal Year 1981-82 Paving Program.

HIGHLIGHTS: On Tuesday, June 30, 1981, bids were opened for the 1981-82 Paving Program Project. Warren Brothers Company is the apparent low bidder for this project in the amount of \$155,875. Recommendation of acceptance of bid submitted by Warren Brothers Company.

Resolution Book No. 12 at page 442.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the consent agenda was unanimously approved.

PUBLIC HEARING SCHEDULED - MORATORIUM ON BUILDING PERMITS - KENILWORTH AREA

The City Manager said Council had met on Tuesday and received a report from the Planning Staff relative to the Kenilworth Residents' Associ-

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-147 was unanimously adopted.

Complete text of Resolution No. 81-147 will be found in Resolution Book No. 12 at page 438-439.

RESOLUTION NO. 81-148 - RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ASHEVILLE TO EXECUTE A DEED CONVEYING THE PACK MEMORIAL LIBRARY PROPERTY TO BUNCOMBE COUNTY

14. Consideration was given to a resolution authorizing the Mayor on behalf of the City of Asheville, to execute a deed conveying the Pack Memorial Library Property to Buncombe County.

The City Manager read the resolution stating that the City of Asheville and the County of Buncombe jointly purchased property and built a new library known as the new Pack Memorial Library located at Haywood Street and Vanderbilt Place. Pursuant to an agreement between the City of Asheville and the County of Buncombe in 1980, the County of Buncombe assumed operational control of the new Pack Memorial Library and the City of Asheville wishes to convey the property owned by the City of Asheville on which the new Pack Memorial Library Building is constructed to Buncombe County. This resolution will authorize the Mayor to execute a deed conveying said property to Buncombe County.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-148 was unanimously adopted.

Complete text of Resolution No. 81-148 will be found in Resolution Book No. 12 at page 440.

APPROVAL OF THE CONSENT AGENDA

15. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-149 - Resolution appointing members to the Recreation Board for Asheville.

HIGHLIGHTS: This resolution will reappoint Mrs. Nancy Cory and Mr. William E. Pfeiffer to the Recreation Board for Asheville and will appoint Mr. Henry Robinson as a member of the Recreation Board for Asheville.

Resolution Book No. 12 at page 441.

ation's request that a moratorium be placed on all building permits during the time it takes to evaluate and take action on a petition presented to Council requesting rezoning of the Kenilworth area.

After discussion, Vice-Mayor Morris moved to schedule a public hearing relative to imposing a moratorium on building permits in the Kenilworth area for July 23, 1981. This motion was seconded by Councilman Wilkes and carried unanimously.

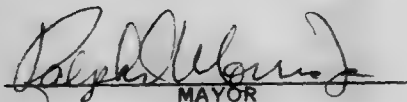
CLAIMS - STEVE HILL - HARRY GADDIS - MRS. ERNEST WATKINS

The City Manager presented claims received from Steve Hill, Harry Gaddis, and Mrs. Ernest Watkins.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:40 P.M.


MAYOR


CITY CLERK

RESOLUTION NO. 81-153 - RESOLUTION OF APPRECIATION AND COMMEN-
DATION TO JESSIE I. MACNEILL

4. Consideration was given to a resolution of appreciation and commendation to Jessie I. MacNeill.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-153 was unanimously adopted.

Complete text of Resolution No. 81-153 will be found in Resolution Book No. 12 at page 447.

RESOLUTION NO. 81-154 - RESOLUTION OF APPRECIATION AND COMMEN-
DATION TO JOHN H. MAPLES

5. Consideration was given to a resolution of appreciation and commendation to John H. Maples.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-154 was unanimously adopted.

Complete text of Resolution No. 81-154 will be found in Resolution Book No. 12 at page 448.

RESOLUTION NO. 81-155 - RESOLUTION OF APPRECIATION AND COMMEN-
DATION TO CLAYTON PARRIS

6. Consideration was given to a resolution of appreciation and commendation to Clayton Parris.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-155 was unanimously adopted.

Complete text of Resolution No. 81-155 will be found in Resolution Book No. 12 at page 449.

RESOLUTION NO. 81-156 - RESOLUTION OF APPRECIATION AND COMMEN-
DATION TO JOHN G. KLEIBOR

7. Consideration was given to a resolution of appreciation and commendation to John G. Kleibor.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-156 was unanimously adopted.

Thursday July 9, 1981 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (out of town) and Councilman H. C. Wilkes.

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 2, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the July 2, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-151 - RESOLUTION OF APPRECIATION AND COMMENDATION TO JAMES EDWARD DEBRUHL

2. Consideration was given to a resolution of appreciation and commendation to James Edward DeBruhl.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-151 was unanimously adopted.

Complete text of Resolution No. 81-151 will be found in Resolution Book No. 12 at page 445.

RESOLUTION NO. 81-152 - RESOLUTION OF APPRECIATION AND COMMENDATION TO ROBERT BOONE MOODY

3. Consideration was given to a resolution of appreciation and commendation to Robert Boone Moody.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-152 was unanimously adopted.

Complete text of Resolution No. 81-152 will be found in Resolution Book No. 12 at page 446.

Vice-Mayor Morris opened the public hearing at 4:07 P.M.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

The City Manager read a memorandum to Members of Council from Attorney Cecil Jackson, representing Paul Davis, requesting that the public hearing be continued to July 23, 1981.

Attorney Jackson personally reiterated his request to Council to continue the public hearing until July 23, 1981. He said he had been contacted just this morning by Mr. Davis about representing him and that he needed the additional time to properly represent Mr. Davis in his request.

Upon inquiry, Attorney Jackson said he represents only Mr. Davis in the matter and that Attorney Shelby Horton represented Mr. Mann and Dr. Kodack.

Upon inquiry from Vice-Mayor Morris, Verl Emrick, Planning Director, said that an appeal on the matter was filed in early June and that notices of the hearing were mailed on June 4, 1981, to those concerned.

Corporation Counsel Willima C. Moore advised Council that it was his ipinion that this was spot zoning and they could not legally rezone the property as requested. Attorney William Moore requested a continuance of the public hearing in order to give him time for consultation with the attorneys involved. He said he thought he might be able to resolve the problem.

Councilwoman Price moved to continue the public hearing until the attorneys reported back. This motion was seconded by Councilman Cole and carried unanimously.

The public hearing was reconvened at 4:37 P.M.

Verl Emrick, Planning Director, reiterated that the Planning and Zoning Commission had reviewed the petitioners' request and denied it because it involved spot zoing. He then read the legal description of "Spot Zoning" as defined in Blade vs. City of Raleigh (court decision). He said the amount of land or area doesn't matter, but how the zoning ordinance is applied to the specific area.

Upon inquiry of Council, Mr. Emrick said the area is presently being used as a commercial function, which is a non-conforming use, but that the owner may continue to function as such under the "grandfather clause" of the Zoning Ordinance adopted in 1975.

Attorney Jackson again requested that Council continue the public hearing to allow him time to review the 1975 ordinance and other facts related to the matter.

Corporation Counsel William C. Moore advised Council of their options - to continue the public hearing as requested or to proceed with the public hearing and make a decision on the rezoning request.

Complete text of Resolution No. 81-156 will be found in Resolution Book No. 12 at page 450.

RESOLUTION NO. 81-157 - RESOLUTION OF APPRECIATION AND COMMENDATION TO EUGENE B. SMITH

8. Consideration was given to a resolution of appreciation and commendation to Eugene B. Smith.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-157 was unanimously adopted.

Complete text of Resolution No. 81-157 will be found in Resolution Book No. 12 at page 451.

RESOLUTION NO. 81-158 - RESOLUTION OF APPRECIATION AND COMMENDATION TO GEORGE LLOYD BISHOP

9. Consideration was given to a resolution of appreciation and commendation to George Lloyd Bishop.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-158 was unanimously adopted.

Complete text of Resolution No. 81-158 will be found in Resolution Book No. 12 at page 452.

Mr. Robert Boone Moody, Mr. Clayton Parris and Mr. John G. Kleibor were in attendance at the Council meeting. The City Manager personally thanked these employees for their years of service to the City and congratulated them upon their retirement.

The City Manager said all of the eight employees retiring were employees of the Public Works Department and their total years of service to the City totalled 175 years. He said there was one employee with 35 years of service, four employees with 25 years of service and one employee with 30 years of service.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT MOUNT CLARE AND WOODROW AVENUE

ORDINANCE NO. 1235 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

10. A public hearing was held relative to rezoning property located at Mount Clare and Woodrow Avenue.

1227, an ordinance relating to amendments to Chapter 8, Section 8-1, entitled "State Building Code adopted" and Section 8-12, entitled "Permit Fees."

Vice-Mayor Morris said the ordinance had previously been read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1227 passed on third and final reading.

Complete text of Ordinance No. 1227 will be found in Ordinance Book No. 9 at page 244-246.

ORDINANCE NO. 1228 - AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF ASHEVILLE CODE OF ORDINANCE TO ADOPT THE NORTH CAROLINA ELECTRICAL CODE AND ESTABLISHING ELECTRICAL INSPECTION FEES

12. Consideration was given to the third reading of Ordinance No. 1228, an ordinance relative to amendments to Chapter 11, Section 11-1, entitled "Short Title" and Section 11-54, entitled "Inspections Fees - Generally."

Vice-Mayor Morris said the ordinance had previously been read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1228 passed on third and final reading.

Complete text of Ordinance No. 1228 will be found in Ordinance Book No. 9 at page 247-250.

ORDINANCE NO. 1229 - AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES TO ADOPT THE NORTH CAROLINA PLUMBING CODE AND ESTABLISHING PLUMBING INSPECTION FEES

13. Consideration was given to the third reading of Ordinance No. 1229, an ordinance relative to amendments to Chapter 20, Section 20-1, entitled "Plumbing Code Adopted" and Section 20-2 entitled "Plumbing Permits - Inspections, fees."

Vice-Mayor Morris said the ordinance had previously been read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1229 passed on third and final reading.

Complete text of Ordinance No. 1229 will be found in Ordinance Book No. 9 at page 251-252.

ORDINANCE NO. 1230 - AN ORDINANCE REPEALING ARTICLE IV, ENTITLED "HEATING CODE" OF CHAPTER 8 OF THE CODE OF ORDINANCES AND ADOPTING A NEW HEATING CODE FOR THE CITY OF ASHEVILLE

George H. Johnson, Jr., Attorney representing the property owners opposing the rezoning request, objected the continuation of the public hearing as requested by Attorney Jackson.

Attorney Shelby Horton said he had prepared a petition for about 40 people and one of the signers (Paul Davis) saw fit to employ Attorney Jackson. He said he felt Attorney Jackson was entitled to time to delve into the situation and that the two of them should have an opportunity to consult on the problem.

Attorney Michael Miller said he represented his wife and himself, who are property owners in the area, and they both objected to the continuation of the hearing and also, there was no basis to continue the hearing because sufficient notice had been given of the hearing date.

For lack of a motion to continue the public hearing to July 23, 1981, as requested by Attorneys Jackson and Horton, Vice-Mayor Morris said the public hearing on the rezoning request would proceed at this time.

Thomas West, owner of the property on Mount Clare and Woodrow Avenue, said Mr. Davis' business had been a public nuisance to the neighborhood for years in that the residents were constantly disturbed by wreckers, chains, watch dogs barking, etc. He described the property as a junkyard and said that Mr. Davis currently has 7 to 8 watchdogs, which he feels are a potential danger to the school children, the elderly, or anyone who might be walking in the area because there is only a 4-foot fence keeping the dogs in.

Vice-Mayor Morris said it would be fruitless to go on with the public hearing because of the advice Council had received from Corporation Counsel that Council could not legally rezone the property. He asked if there was anyone present in the Chambers to speak in favor of the rezoning.

Upon inquiry from Vice-Mayor Morris as to what recourse the petitioners, requesting the rezoning, had if Council declined to rezone the property, Mr. Emrick said the matter would go before the Superior Court. However, he said if the petitioners choose, they might withdraw their petition and resubmit it in the same or an amended form for consideration one (1) year from today.

Councilman Boland moved to close the public hearing at 5:05 P.M. This motion was seconded by Councilwoman Price and carried unanimously.

Verl Emrick, Planning Director, read the ordinance.

For lack of a motion, the ordinance failed on first reading.

ORDINANCE NO. 1227 - AN ORDINANCE AMENDING SECTIONS 8-1, 8-3, 8-6, 8-7, AND 8-12 OF CHAPTER 8 OF THE CODE OF ORDINANCES TO ADOPT THE NORTH CAROLINA STATE BUILDING CODE, THE STATE UNIFORM RESIDENTIAL CODE, AMENDING REQUIREMENTS FOR PLANS AND SPECIFICATIONS AND LIMITATIONS ON ISSUANCE OF PERMITS, AND ESTABLISHING BUILDING INSPECTIONS PERMIT FEES

11. Consideration was given to the third reading of Ordinance No.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-159 was unanimously adopted.

Complete text of Resolution No. 81-159 will be found in Resolution Book No. 12 at page 453.

RESOLUTION NO. 81-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY

18. Consideration was given to a resolution authorizing the City to dispose of surplus property.

The City Manager read the resolution and said the City owns a house, located at the North Fork Watershed, formerly the residence of the Watershed Supervisor and the existing structure has no further beneficial use to the City. North Carolina General Statutes 160A-266, Article 12 provides for the disposal of such property. This resolution will authorize the City Manager to dispose of the surplus property according to said statutes.

Upon motion of Councilman Brownlee, seconded by Councilwoman Price, Resolution No. 81-160 was unanimously adopted.

Complete text of Resolution No. 81-160 will be found in Resolution Book No. 12 at page 454.

RESOLUTION NO. 81-161 - RESOLUTION AUTHORIZING THE MOTOR TRANSPORT SUPERINTENDENT TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE

19. Consideration was given to a resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

The City Manager read the resolution and said the City of Asheville has approximately 110 used tires for which the City has no use and these are carcasses which cannot be retreaded. This resolution will authorize the Motor Transport Superintendent to dispose of the property herein identified by private sale at a negotiated price.

Upon motion of Councilman Brownlee, seconded by Councilwoman Price, Resolution No. 81-161 was unanimously adopted.

Complete text of Resolution No. 81-161 will be found in Resolution Book No. 12 at page 455.

RESOLUTION NO. 81-162 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE SKYLAND VOLUNTEER FIRE DEPARTMENT, INC., FOR FIRE PROTECTION SERVICES IN THE AIRPORT ANNEXATION AREA

Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Skyland Volunteer Fire Department, Inc., for fire protection services in the Airport annexation area.

14. Consideration was given to the third reading of Ordinance No. 1230, an ordinance relative to amendments to Chapter 8, Section 8-61, entitled "Heating Code."

Vice-Mayor Morris said the ordinance had previously been read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1230 passed on third and final reading.

Complete text of Ordinance No. 1230 will be found in Ordinance Book No. 9 at page 253-255.

ORDINANCE NO. 1231 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (PROPERTY AT 8 TEMPLE AVENUE)

15. Consideration was given to the second reading of Ordinance No. 1231, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended (property at #8 Temple Avenue).

Vice-Mayor Morris said the ordinance had previously been read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1231 passed on second reading.

BUDGET AMENDMENT - AMENDING THE FY 81-82 WATER AND SEWER OPERATING FUND AND THE CAPITAL CONSTRUCTION FUND

16. Consideration was given to a budget amendment amending the FY 81-82 Water and Sewer Operating Fund and the Capital Construction Fund.

The City Manager presented the budget amendment stating that this budget amendment in the amount of \$87,000 is to provide funding for the completion of the Valley Street Water Maintenance Complex. Funding service will be the Capital Reserve appropriation within the Water and Sewer Operating Fund.

Upon motion of Councilman Cole, seconded by Councilman Boland the budget amendment was unanimously approved.

RESOLUTION NO. 81-159 - RESOLUTION ESTABLISHING A PROCEDURE FOR THE ASHEVILLE PARKS AND RECREATION ADVISORY BOARD TO ESTABLISH FEES AND CHARGES FOR THE ASHEVILLE PARKS AND RECREATION DEPARTMENT UPON THE APPROVAL OF THE ASHEVILLE CITY COUNCIL

17. Consideration was given to a resolution establishing a procedure for the Asheville Parks and Recreation Advisory Board to establish fees and charges for the Asheville Parks and Recreation Department upon the approval of the Asheville City Council.

Thursday - July 16, 1981 - 4:00 P.M.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilmen F. Jack Cole, Walter R. Boland, and Harold F. Brownlee, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Deputy City Clerk Carol Hensley

Absent: Mayor Roy M. Trantham.
Councilwoman Norma T. Price
Councilman H. C. Wilkes
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 9, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the July 9, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-163 - RESOLUTION OF APPRECIATION TO CAPTAIN WILLIAM M. RECTOR

2. Consideration was given to a resolution of appreciation to Captain William M. Rector.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-163 was unanimously adopted.

Complete text of Resolution No. 81-163 will be found in Resolution Book No. 12 at page 457.

RESOLUTION NO. 81-164 - RESOLUTION OF APPRECIATION TO ASSISTANT CHIEF THOMAS M. CARLAND

3. Consideration was given to a resolution of appreciation to Assistant Chief Thomas M. Carland.

The City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Councilman Cole, Resolution No. 81-164 was unanimously adopted.

Complete text of Resolution No. 81-164 will be found in Resolution Book No. 12 at page 458.

The City Manager said this agreement is similar to last year's agreement with the Skyland Volunteer Fire Department, Inc., and since the agreement is on a one-year basis, it must be renegotiated annually.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-162 was unanimously adopted.

Complete text of Resolution No. 81-162 will be found in Resolution Book No. 12 at page 456.

PETITION - RESIDENTS OF MONTVIEW DRIVE - OPPOSITON TO PLANNED DEVELOPMENT OF BLUE RIDGE MENTAL HEALTH

The City Manager presented a petition received from residents of Montview Drive requesting the designation of an abandoned, unpaved, and unused street be changed to an alleyway. The petition states that "Carolina Avenue" has not been used for the past forty years and has returned to woodland growth. It appears to be only fifteen feet inside, too narrow for modern street use and has no definite end or outlet. Its beginning is on Mount Clare, an old and narrow Asheville Street."

A letter was attached to the petition addressed to the Asheville City Council dated July 1, 1981, from Martha C. Walz, for the neighborhood of Montview Drive, state that "it is on this inadequate road that the Blue Ridge Mental Health, using funds from HUD and ARC (handicapped housing) has plans to build an eleven unit apartment house (cost 1.5 million)"

The City Manager said he would forward the petition to the Planning and Zoning Commission for the Commission's consideration in making their decision relative to the proposed development of apartments by Blue Ridge Mental Health.

Upon inquiry of Councilwoman Price, the City Manager said that Mrs. Waltz, spokesman for the residents, would be notified of the fact that the petition had been forwarded to the Planning and Zoning Board for their consideration.

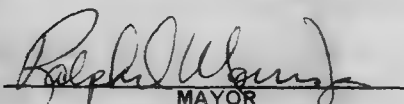
CLAIMS - MRS. JAMES GIBSON - MAXINE KRAUSE - CHARLOTTE CLARK - ROY P. LATHROP, JR.

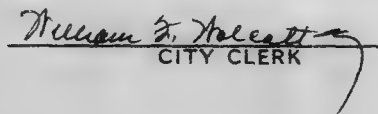
The City Manager presented claims received from Mrs. James Gibson, Maxine Krause, Charlotte Clark, and Roy P. Lathrop, Jr.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Vice-Mayor Morris adjourned the meeting at 5:07 P.M.


MAYOR


CITY CLERK

Complete text of Resolution No. 81-166 will be found in Resolution Book No. 12 at page 460.

RESOLUTION NO. 81-167 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY, DIVISION OF APAC - TENNESSEE, INC., FOR THE PROJECT KNOWN AS THE HAYWOOD ROAD 10" SEWER LINE EXTENSION

7. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Harrison Construction Company, Division of APAC - Tennessee, Inc., for the project known as the Haywood Road 10" Sewer Line Extension.

The City Manager read the resolution which stated bids were opened on July 7, 1981, for the Haywood Road 10" Sewer Line Extension Project. Harrison Construction Company Division of APAC - Tennessee, Inc., is the apparent low bidder for this contract in the amount of \$31,495.20. This resolution will authorize the Mayor to sign said contract.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-167 was unanimously adopted.

Complete text of Resolution No. 81-167 will be found in Resolution Book No. 12 at page 461.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-168 - Resolution authorizing the disposition of municipal records.

HIGHLIGHTS: This resolution will authorize the Director of Public Works to dispose of certain records in the Public Works Department. The North Carolina Department of Cultural Resources has issued an approval for the disposition of certain Public Works records.

Resolution Book No. 12 at page 462.

- B. Scheduling of a public relative to amending Ordinance No. 322, known as "An ordinance providing for the zoning for the City of Asheville" as amended, Article 8, entitled Board of Adjustments to permit the City Council to appoint more than nine members to the Board of Adjustments for August 6, 1981.

RESOLUTION NO. 81-165 - RESOLUTION OF APPRECIATION AND COMMENDATION TO SARAH DAWSON

4. Consideration was given to a resolution of appreciation and commendation to Sarah Dawson.

The City Manager read the resolution and presented a copy of the resolution to Sarah Dawson.

Upon motion of Councilman Brownlee, seconded by Councilman Boland, Resolution No. 81-165 was unanimously adopted.

Complete text of Resolution No. 81-165 will be found in Resolution Book No. 12 at page 459.

ORDINANCE NO. 1231 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY AT #8 TEMPLE AVENUE)

5. Consideration was given to the third reading of Ordinance No. 1231, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended (property at #8 Temple Avenue).

Vice-Mayor Morris said this ordinance had previously be read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 1231 passed on third and final reading.

Complete text of Ordinance No. 1231 will be found in Ordinance Book No. 9 at page 256.

RESOLUTION NO. 81-166 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CONTRACTS FOR THE PROJECT KNOWN AS WATER MAINTENANCE COMPLEX IMPROVEMENTS

6. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville contracts for the project known as Water Maintenance Complex Improvements.

The City Manager read the resolution which stated that bids have been received for the construction of a 10,000 sq. ft. prefabricated metal building to include office areas, locker room and lounge areas, a stock room and garage area for the Water Maintenance Complex. Low bidders for the contracts are: General - Cooper Construction Company; Electrical - Hyatt Electric Company; Heating/Ventilating - Twentieth Century Heating Company; Plumbing - Pressley Plumbing Company. This resolution will authorize the Mayor to execute said contracts for the work referred to in the project.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, Resolution No. 81-166 was unanimously adopted.

Thursday - July 23, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, and Harold F. Brownlee, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager, Kenneth M. Michalove
Councilman H. C. Wilkes
Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 16, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the July 16, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-170 - RESOLUTION OF APPRECIATION AND COMMENDATION TO FRANK E. WRIGHT

2. Consideration was given to a resolution of appreciation and commendation to Frank E. Wright.

The Assistant City Manager read the resolution.

Upon motion of Councilman Brownlee, seconded by Vice-Mayor Morris, Resolution No. 81-170 was unanimously adopted.

Complete text of Resoluion No. 81-170 will be found Resolution Book No. 13 at page 1.

PUBLIC HEARING - ORDINANCE IMPOSING A MORATORIUM ON CONSIDERATION OF ANY REZONING REQUEST AND ISSUANCE OF ZONING PERMITS FOR MULTI-FAMILY RESIDENTIAL USES IN THE KENILWORTH AREA

ORDINANCE NO. 1236 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE KENILWORTH AREA

3. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on consideration of any rezoning request and issuance of zoning permits for multi-family residential uses in the Kenilworth area.

Mayor Trantham opened the public hearing at 4:07 P.M.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

- C. Scheduling of a public hearing relative to repealing Ordinance No. 1146 and amending Ordinance No. 322, known as "An ordinance providing for the zoning for the City of Asheville" as amended, due to changes in the North Carolina General Statutes dealing with "Family Care Homes." This public hearing will be scheduled for August 6, 1981.

Upon motion of Councilman Boland, seconded by Councilman Cole, the consent agenda was unanimously approved.

CLAIMS - ERIC EMORY - RALPH LLOYD - HUBERT BAIRD - DOUGLAS MCKINLEY - A. J. YOUNG

The City Manager presented claims received from Eric Emory, Ralph Lloyd, Hubert Baird, Douglas McKinley, and A. J. Young.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-169 - RESOLUTION AUTHORIZING THE CLOSING OF HAYWOOD STREET FROM THE INTERSECTION OF VANDERBILT PLACE TO BATTERY PARK AVENUE ON WEDNESDAY, JULY 29, 1981, FROM 8:00 P.M. TO 12:00 MIDNIGHT

Consideration was given to a resolution authorizing the closing of Haywood Street from the intersection of Vanderbilt Place to Battery Park Avenue on Wednesday, July 29, 1981, from 8:00 P.M. to 12:00 midnight.

The City Manager read the resolution stating that the merchants in the Haywood Street area wish to close Haywood Street from the intersection of Vanderbilt Place to Battery Park Avenue on the evening of Wednesday, July 29, 1981, from 8:00 P.M. to 12:00 midnight for the purpose of honoring the special events of the Porsche Parade during the week of July 27, 1981.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-169 was unanimously adopted.

Complete text of Resolution No. 81-169 will be found in Resolution Book No. 12 at page 463.

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Cole, the meeting adjourned at 4:20 P.M.

Ray M. Brownlee
MAYOR

William F. Holcomb
CITY CLERK

sideration given to the provision relative to the character of the neighborhood which is included in the Group Development Section of the Zoning Ordinance, and if the Sugartree Development is approved, it will definitely change the character of the neighborhood. He said Council should not fear the possibility of a lawsuit, because anytime the Council makes a decision on something that should be done, it incurs the possibility of a lawsuit.

Wesley J. Potter of 329 Kenilworth Road spoke in support of the moratorium in development of the Kenilworth area and requested that Council delete the language in the ordinance excluding the Sugartree Apartments Complex from the moratorium.

John McAfee of Sheridan Road said Council needs to consider the future growth of Kenilworth area.

Forest Hardy of 6 Thurland Avenue, said it was his understanding that the developer of the Sugartree Apartments Complex was going through the Kenilworth Cemetery to get to their proposed site.

Mr. Emrick informed Mr. Hardy that the plans submitted by the developer did not show an access to the property through Kenilworth Cemetery.

Mayor Trantham asked Mr. Emrick to look into the problems of encroaching upon the cemetery property with the developers of the Sugartree Apartment Complex.

David Nash, 36 Chiles Avenue, said that the Sugartree Apartment Complex would be a threat to the Kenilworth community.

Vice-Mayor Morris said that the Kenilworth area is different from the other areas in the City in that it is one of the few sections of town that has large parcels of land left for development. He said he did not want the Kenilworth Residents' Association to think that Council is not concerned about the impact of population in the area.

Mayor Trantham closed the public hearing at 4:50 P.M.

Mr. Emrick said the timing of the reviews of the Kenilworth Zoning Petition and the Sugartree Apartment Complex are going to be simultaneous, but that Council has the option to schedule the public hearings where one would be heard before the other. He said both will be heard by the Planning and Zoning Commission on August 5, 1981, but that it could not be known at this time, whether both or only one would be referred to Council.

Verl Emrick read the ordinance imposing a moratorium on development in the Kenilworth area.

Councilwoman Price moved for the adoption of Ordinance No. 1236. This motion was seconded by Vice-Mayor Morris.

On a roll call vote of 5-0, Ordinance No. 1236 passed on first reading.

Verl Emrick, Director of Planning, said at the June 25, 1981, meeting of the Asheville City Council, the Kenilworth Residents' Association presented a petition requesting that the City Council initiate a study relative to the rezoning of property in Kenilworth. They further requested that a moratorium be placed on building permits while said study was being conducted. City Council forwarded the petition to the Planning and Zoning Commission. This public hearing will address the second part of the request of the Kenilworth Residents' Association to issue a moratorium on zoning and building permits during the time of the study.

Charles Bent of 18 Chateau Place, spoke in favor of the ordinance imposing a moratorium on development of the Kenilworth area. He said the ordinance in its present form is an exercise of futility in that the ordinance states that the moratorium shall not extend to individuals having valid permits on the effective date of this ordinance or for those projects submitted to the Asheville City Council or the Asheville Planning and Zoning Commission for review under Article VI of Ordinance No. 322, as amended, prior to July 1, 1981. He said the Kenilworth Residents' Association in their petition wanted the moratorium to include all group developments presently under consideration by the Planning and Zoning Commission until the rezoning of the Kenilworth could be acted upon. He said the main purpose of the Kenilworth Residents' Association in requesting the moratorium is to stop the proposed Sugartree Apartments Complex now under consideration by the Planning and Zoning Commission. He said the way the ordinance is now proposed the Sugartree Apartments would be excluded from the moratorium.

Mayor Trantham said that upon the advice of the Corporation Counsel the wording excluding Sugartree Apartments is necessary due to the fact that if Council included Sugartree Apartments, Council would be open for a lawsuit and the Corporation Counsel had advised that Council would probably lose the lawsuit. He said the Sugartree Apartments Complex has not been approved and has soil erosion and sewer troubles that still must be cleared up by the developers before approval can be given.

Vice-Mayor Morris said this ordinance imposing the moratorium would not include Sugartree Apartments but it would help the citizens of Kenilworth in the future from being overly populated.

Verl Emrick told members of Council that they would have the prerogative of setting the density requirements and improving the group development plan of the Sugartree Apartment Complex. He said that Council could impose various specifications upon the developer of Sugartree, but the conditions would have to be reasonable and justifiable.

Steve Kropelnicki, an attorney living in the Kenilworth area, spoke in favor of the moratorium. He requested that Council delete wording in the ordinance excluding the Sugartree Apartments Complex. He said the Kenilworth residents are only asking for the same consideration as was given to the Beaverdam residents when Council adopted Ordinance No. 1171 on June 26, 1980, which imposed a moratorium on the issuance of building permits for multi-family residential purposes and excluded only those persons who had valid permits as of the date of the ordinance. He said the Sugar Tree Development did not have a permit at this time and therefore, the ordinance should not include that development. He said there hasn't been any con-

PROCLAMATION - BELE CHERE 1981

6. Mayor Trantham proclaimed the days of August 13, 14, 15, and 16, 1981, as the "Bele Chere Festival."

RESOLUTION NO. 81-172 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION RELATIVE TO THE BELE CHERE FESTIVAL

7. Consideration was given to a resolution authorizing certain official action relative to the Bele Chere Festival.

Steve Metcalf, coordinator of the Bele Chere Festival introduced Mr. Sam Easterby, Chairman of the Bele Chere Festival who presented Council with Bele Chere tee shirts.

Mr. Steve Metcalf read the resolution stating that in order to facilitate the success of the "Bele Chere Festival 1981" certain actions must be taken by Council such as the authorization to close certain streets, waiving of requirements of Section 25-5, selling on streets and sidewalks, and Section 25-6, use of streets and sidewalks for demonstrations, and the waiving of parking fees at certain parking lots.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-172 was unanimously adopted.

Complete text of Resolution No. 81-172 will be found in Resolution Book No. 13 at page 3-5.

CLAIMS - FIRST BAPTIST CHURCH - HARRY'S CADILLAC AND PONTIAC
J. D. DEMETRIS - HARRIS TURLEY - NINA JONES

8. The City Manager presented claims received from First Baptist Church, Harry's Cadillac and Pontiac, J. D. Demetris, Harris Turley, and Nina Jones.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO RENTAL AGREEMENTS WITH TENANTS OCCUPYING OFFICE SPACE IN THE CITY BUILDING

9. Consideration was given to a resolution authorizing the City Manager to enter into rental agreements with tenants occupying office space in the City Building.

The Assistant City Manager read the resolution stating that the City of Asheville has leased an area of the City Building on the Sixth Floor to Dr. E. R. S. Witten and Dr. W. H. McCall and area on the Fourth Floor to Western North Carolina Development Association. This resolution will authorize the City Manager to enter into lease agreements with said tenants.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-173 was unanimously adopted.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1236.

This motion was seconded by Vice-Mayor Morris and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1236 passed on second reading.

Augusta Young, Chairman of the Ad Hoc Committee of the Kenilworth Residents' Association, requested that the City Council schedule consideration of rezoning the Kenilworth area before the hearing on the Sugartree development.

RESOLUTION NO. 81-171 - RESOLUTION ESTABLISHING A STANDARD MAINTENANCE CHARGE FOR FIRE ALARM BOXES AT BUSINESS AND INSTITUTIONAL LOCATIONS

4. Consideration was given to a resolution establishing a standard maintenance charge for fire alarm boxes at business and institutional locations.

The Assistant City Manager read the resolution.

Chief Ball said the maintenance charge of \$368 per year per box is a recommendation of the MICA study. He said letters were sent to all individuals having fire alarm systems informing them of those charges. He said he had received a few calls from the individuals but no significant opposition.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-171 was unanimously adopted.

Complete text of Resolution No. 81-171 will be found Resolution Book No. 13 at page 2.

BUDGET AMENDMENT - GRANT PROGRAMS FUND BUDGET FOR 1981-82 (HILLCREST COMMUNITY CENTER PARENTING PROGRAM ENRICHMENT PROJECT)

5. Consideration was given to a budget amendment amending the Grant Programs Fund Budget for 1981-82.

The Assistant City Manager presented the budget amendment stating that this budget amendment in the amount of \$3,575.00 is to provide funding for the continuation of the Hillcrest Community Center Parenting Program Enrichment Project. This projects' goal is to improve the parenting skills of the parents involved in the Hillcrest Enrichment Program in order to reduce the rate of juvenile crime in the Hillcrest area.

Councilwoman Price moved to approve the budget amendment as presented by the Assistant City Manager. This motion was seconded by Councilman Cole and carried unanimously.

Thursday, July 30, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price; Councilmen Walter R. Boland, F. Jack Cole, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager Kenneth M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Harold F. Brownlee

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 23, 1981 meeting.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the minutes of the July 23, 1981 meeting were approved as submitted.

PROCLAMATION - SUBSTANCE ABUSE PREVENTION AWARENESS MONTH - AUGUST, 1981

2. Mayor Trantham proclaimed the month of August, 1981 as "Substance Abuse Prevention Awareness Month."

Mr. Pete Banyai, Project Coordinator of Western North Carolina Fun Fair '81, invited members of Council to attend the 1st Annual Fun Fair event at Recreation Park on August 29, 1981.

PUBLIC HEARING - SITE PLAN - DEERWOOD CONDOMINIUMS

3. A public hearing was held relative to the site plan of the proposed Deerwood Condominiums to be located on Hendersonville Road just south of the Blue Ridge Parkway.

Mayor Trantham opened the public hearing at 4:20 p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, reported that the Planning and Zoning Commission recommended that the site plan be approved subject to compliance with the City's Erosion Control Ordinance and submission to the North Carolina Department of Human Resources. He said that the original plan was approved by City Council in February, 1981, and these new revised plans show a new configuration of proposed units and less density per acre.

Mayor Trantham closed the public hearing at 4:28 p.m.

Councilman Cole moved to approve the site plan of the proposed Deerwood Condominiums to be located on Hendersonville Road. This motion was seconded by Councilman Boland and carried unanimously.

Complete text of Resolution No. 81-173 will be found in Resolution Book No. 13 at page 6.

RESOLUTION NO. 81-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A RENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

10. Consideration was given to a resolution authorizing the City Manager to sign a rental agreement with the North Carolina Department of Transportation.

The Assistant City Manager read the resolution stating that the North Carolina Department of Transportation has acquired various property adjacent to Valley Street for right-of-way and the North Carolina Department of Transportation has agreed to rent the property to the City of Asheville for no monetary consideration provided the City agrees to remove the one story block building and fencing the property upon vacating same. This resolution will authorize the City Manager to execute said rental agreement for the property located at 151 Valley Street.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-174 was unanimously adopted.

Complete text of Resolution No. 81-174 will be found in Resolution Book No. 13 at page 7.

PUBLIC HEARING SCHEDULE - PROPOSED CONDOMINIUM COMPLEX - DEERWOOD CONDOMINIUMS

11. Councilwoman Price to schedule a public hearing relative to the site plan of a new design of the Deerwood Condominiums to be located on Hendersonville Road just south of the Blue Ridge Parkway for July 30, 1981. This motion was seconded by Vice-Mayor Morris and carried unanimously.

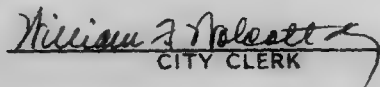
PUBLIC HEARING - PROPOSED CONDOMINIUMS COMPLEX - "400 CHARLOTTE STREET"

12. Councilman Cole moved to schedule a public hearing relative to a site plan to the proposed condominium complex to be located at the end of Charlotte Street to be known as "400 Charlotte Street" for July 30, 1981. This motion was seconded by Vice-Mayor Morris and carried unanimously.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, the meeting adjourned at 5:30 P.M.


MAYOR


CITY CLERK

be a part of the State street system and which streets and highways would be a part of the City street system. Due to annexation, the City of Asheville and the N. C. Department of Transportation mutually agree that should the City extend its corporate limits, that a supplemental agreement would be developed mutually, setting forth the responsibilities for the public streets within the boundaries of the areas to be annexed.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-175 was unanimously adopted.

Complete text of Resolution No. 81-175 will be found in Resolution Book No. 13 at page 8.

RESOLUTION NO. 81-176 - RESOLUTION SUPPORTING USE OF LAND AND WATER CONSERVATION FUND GRANT TO FURTHER PERMANENT HEADQUARTERS FOR BLUE RIDGE PARKWAY

7. Consideration was given to a resolution supporting use of Land and Water Conservation Fund Grant to further permanent headquarters for Blue Ridge Parkway.

The City Manager read the resolution stating that the Department of Interior approved a grant to the State of North Carolina for the acquisition of land in Buncombe County known as Hemphill Knob. He said that there is a need to develop a permanent headquarters facility on the Blue Ridge Parkway to better serve Parkway visitors, to ensure that Parkway offices remain in WNC and as an economical solution to office space needs.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 81-176 was unanimously adopted.

Complete text of Resolution No. 81-176 will be found in Resolution Book No. 13 at page 9.

BUDGET AMENDMENT - FISCAL 1981-82 CITY OF ASHEVILLE OPERATING BUDGET AND FEDERAL PROJECT BUDGET

8. Consideration was given to a budget amendment amending the Fiscal 1981-82 City of Asheville Operating Budget and Federal Project Budget.

The City Manager presented the budget amendment stating that the purpose of this amendment is to provide funding for the Urban Mass Transportation Administration Bus Grant to acquire ten (10) new buses for the Asheville Transit Authority. He said that the total cost is \$1,248,500 of which \$124,850 is the City's share to be funded from General Revenue Sharing funds.

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE COMMUNITY DEVELOPMENT FUND BUDGET

9. Consideration was given to a budget amendment amending the City of Asheville Community Development Fund budget.

PUBLIC HEARING - SITE PLAN - 400 CHARLOTTE STREET

4. A public hearing was held relative to the site plan of the proposed condominium complex to be located at the end of Charlotte Street.

Mayor Trantham opened the public hearing at 4:29 p.m.

The City Manager read the advertised notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, reported that the Planning and Zoning Commission recommended that the site plan be approved subject to compliance with the City's Erosion Control Ordinance and submission to the North Carolina Department of Human Resources.

Mr. Henry Colton, 392 Charlotte Street, spoke in favor of the proposed plan stating that it would be a great asset to the City of Asheville.

Mr. and Mrs. Jack Bryant, developers of the project, stated that they were happy to be able to find this ideal location in Asheville and looked forward to working with the people involved.

Mayor Trantham closed the public hearing at 4:42 p.m.

Councilman Cole moved to approve the site plan of the proposed condominium complex to be located at the end of Charlotte Street. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1236 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE KENILWORTH AREA

5. Consideration was given to the third and final reading of an ordinance imposing a limited moratorium on development in the Kenilworth area.

Mayor Trantham said this ordinance had previously been read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1236 passed on its third and final reading.

Complete text of Ordinance No. 1236 will be found in Ordinance Book No. 9 at page 262.

RESOLUTION NO. 81-175 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR STREET AND HIGHWAY RESPONSIBILITIES

6. Consideration was given to a resolution authorizing the Mayor to execute a supplemental agreement for street and highway responsibilities.

The City Manager read the resolution. He stated that the City of Asheville and the North Carolina Department of Transportation had entered into an agreement in April, 1978, specifying which of the existing and proposed streets and highways included in the comprehensive street plan would

HIGHLIGHTS: Two bids were received. Recommendation of acceptance of the low bid submitted by Blue Bird Body Company of Port Valley, Georgia, in the amount of \$854,958.46. Sufficient funding is available from UMTA grant number NC-050009.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

COUNCILMAN H. C. WILKES

Councilman Wilkes told the member of Council that Councilman Harold F. Brownlee had entered St. Joseph's Hospital today.

It was the consensus of Council to send a fruit basket and get well wishes to Councilman Brownlee.

RESOLUTION NO. 81-178 - RESOLUTION ELECTING A MEMBER OF BOARD OF EXAMINERS FOR POLICEMEN'S PENSION AND DISABILITY FUND

Consideration was given to a resolution electing a member of Board of Examiners for the Policemen's Pension and Disability Fund.

The City Manager read the resolution stating that Mr. John Best has resigned as a member of the Board of Examiners for Policemen's Pension and Disability Fund. He said that this resolution would appoint Mr. James H. Parris, Jr. to the Board of Examiners for Policemen's Pension and Disability Fund to serve the unexpired term of Mr. Best, term expiring April 20, 1982, or until his successor is duly appointed and qualified.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-178 was unanimously adopted.

Complete text of Resolution No. 81-178 will be found in Resolution Book No. 13 at page 11.

CLAIMS - DORIS BURNS - VIOLA HARRIS

The City Manager presented claims received by Doris Burns and Viola Harris.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:07 p.m.

Ray M. Trantham
MAYOR

William F. Holcomb
CITY CLERK

157

The City Manager presented the budget amendment stating that the purpose of this amendment is to provide additional funds to cover contract change orders for the Eagle Street Improvement/UDAG project in the amount of \$12,486.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BUDGET AMENDMENT - FISCAL YEAR 1981-82 ANNUAL OPERATING BUDGET OF THE CITY OF ASHEVILLE

10. Consideration was given to a budget amendment amending the Fiscal Year 1981-82 Annual Operating Budget of the City of Asheville.

The City Manager presented the budget amendment stating that the purpose of this amendment is to appropriate \$25,000 for the planning work necessary for a Regional Transportation Center. He said that \$20,000 is to come from a State Department of Transportation grant and \$5,000 is to be contributed in in-kind services by the Community Development Planning activity.

Councilwoman Price asked that this budget motion be tabled in order to clarify some details.

APPROVAL OF THE CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-177 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company, Inc. for the project known as Smith Bridge Twenty-Four Inch Water Line.

HIGHLIGHTS: On Monday, July 27, 1981, bids were opened for the Smith Bridge 24-inch water line project. Hobson Construction Company, Inc., is the apparent low bidder for this project in the amount of \$244,930. Recommendation of acceptance of bid submitted by Hobson Construction Company, Inc.

Resolution Book No. 13 at page 10.

- B. Approval of bids received June 15, 1981, for ten new transit coaches for the Asheville Transit Authority.

PUBLIC HEARING - AMENDING ZONING ORDINANCE, ORDINANCE NO. 322 - INCREASING
MEMBERSHIP ON THE BOARD OF ADJUSTMENT

ORDINANCE NO. 1237 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN
ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, Article 8, entitled Board of Adjustment, to permit the City Council to appoint more than nine members to the Board of Adjustment.

Mayor Trantham opened the public hearing at 4:16 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Zoning Administrator, requested that Article 8, Board of Adjustment, be amended to permit the City Council to appoint more than nine members to the Board of Adjustment. The Planning and Zoning Commission, at its July 8, 1981 meeting, voted unanimously to recommend approval of this amendment. He said this amendment would help the Zoning Administrator to obtain a quorum for the meeting on a regular basis. He said a quorum is difficult due to the frequency of the meetings of the Board of Adjustment.

Mayor Trantham closed the public hearing at 4:19 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1237. This motion was seconded by Councilman Boland.

Vice-Mayor Morris suggested that the Planning Director contact the Buncombe County Commissioners to see if they have any problems relative to this amendment prior to the third reading of the ordinance. He said this should be done due to the fact that the ordinance requires that the Buncombe County Commissioners appoint two (2) members to the Board of Adjustment.

On a roll call vote of 5-0, Ordinance No. 1237 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1237. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1237 passed on second reading.

Mr. Emrick, Planning Director, told members of Council that he would contact the Buncombe County Commissioners relative to this amendment prior to the third reading.

Thursday, August 6, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, and F. Jack Cole; Corporation Counsel William C. Moore; City Manager Kenneth M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Harold F. Brownlee
Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 30, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the July 30, 1981 meeting were approved as submitted.

RESOLUTION NO. 81-179 - RESOLUTION OF APPRECIATION AND COMMENDATION TO SHERMAN LOGAN

2. Consideration was given to a resolution of appreciation and commendation to Sherman Logan.

The City Manager read the resolution explaining that Sherman Logan, janitor and elevator operator for the City of Asheville retired from service on July 31, 1981.

Mayor Trantham presented Mr. Logan a copy of the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-179 was unanimously adopted.

Complete text of Resolution No. 81-179 will be found in Resolution Book No. 13 at page 12.

RECOGNITION OF LOGAN DELANY - COMMUNITY DEVELOPMENT DIRECTOR - "OUTSTANDING STUDENT" AWARD

3. The City Manager recognized Mr. Logan Delany, Director of Community Development for receiving an "Outstanding Student" award at the conclusion of a Community Development Administration Course at the Institute of Government. He said Mr. Delany was also instrumental in implementing the Community Development Administration Course at the Institute.

ORDINANCE NO. 1239 - AN ORDINANCE REPEALING SECTIONS 19-47 - 19-51 OF THE CITY OF ASHEVILLE CODE OF ORDINANCES RELATING TO THE USE AND MANAGEMENT OF LAKE JULIAN

6. Consideration was given go an ordinance repealing Section 19-47 - 19-51 of the City of Asheville Code of Ordinances relating to the use and management of Lake Julian.

The City Manager read the ordinance explaining that this ordinance will repeal Ordinance No. 614 relating to the regulation of Lake Julian and surrounding area. This is simply a housekeeping ordinance to repeal sections of the Code of Ordinances no longer required due to the lease of Lake Julian to Buncombe County.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1239. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1239 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1239. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1239 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1239. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1239 passed on third and final reading.

Complete text of Ordinance No. 1239 will be found in Ordinance Book No. 9 at page 267.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING AND CAPITAL PROJECTS BUDGET (Brevard Road Water Line) - (Eagle Street Improvement/UDAG)

7. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

- a) Water and Sewer Capital Construction Fund - Brevard Road Water line
To appropriate \$11,000 to provide funding for a water line extension to the Champion Maintenance and Supply Company plant site. Funding for the extension to be provided by the County of Buncombe.
- b) Community Development Fund - Eagle Street Improvement/UDAG
To increase the appropriation for the Eagle Street Improvement/UDAG project by \$4,185. Funding will be transferred from the Eagle/Market Street UDAG contingency.

The City Manager presented the budget amendments.

Councilwoman Price moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - RELATIVE TO "FAMILY CARE HOMES"

ORDINANCE NO. 1238 - AN ORDINANCE REPEALING ORDINANCE NO. 1146 AND AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

5. A public hearing was held relative to repealing Ordinance No. 1146 and amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, due to changes in the North Carolina General Statutes dealing with "Family Care Homes."

Mayor Trantham opened the public hearing at 4:23 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said due to a conflict with the North Carolina General Statutes relative to "Family Care Homes," it is necessary to repeal Ordinance No. 1146 and amend Ordinance No. 322, to conform with the North Carolina General Statutes. He said the General Assembly recently passed legislation prohibiting governing bodies from placing "conditional uses" upon "Family Care Homes." He said the present language in the Zoning Ordinance places "Family Care Homes" as a Conditional Use.

Mayor Trantham closed the public hearing at 4:26 p. m.

Verl Emrick, Planning Director, read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1238. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1238 passed on first reading.

Councilman Boland moved to suspend the rules and proceed to the second reading of Ordinance No. 1238. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1238 passed on second reading.

Councilman Boland moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1238. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1238 passed on third and final reading.

Complete text of Ordinance No. 1238 will be found in Ordinance Book No. 9 at page 265 and 266.

RESOLUTION NO. 81-181 - RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO INSTALL A TRAFFIC SIGNAL AT THE INTERSECTION OF MERRIMON AVENUE AND LARCHMONT DRIVE

Consideration was given to a resolution requesting the North Carolina Department of Transportation to install a traffic signal at the intersection of Merrimon Avenue and Larchmont Drive.

The City Manager read the resolution explaining that due to the increased vehicular and pedestrian traffic at the intersection of Merrimon Avenue and Larchmont Drive it has become increasingly hazardous to enter Merrimon Avenue from Larchmont Drive. He said this resolution will instruct him to communicate with the North Carolina Department of Transportation to request that a traffic signal be installed at this intersection.

Upon motion of Vice-Mayor Morris, seconded by Councilman Boland, Resolution No. 81-181 was unanimously adopted.

Complete text of Resolution No. 81-181 will be found in Resolution Book No. 13 at page 14.

RESOLUTION NO. 81-182 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR PROPERTY KNOWN AS SOUTH ASHEVILLE CEMETERY TO FOREST HARDY, RICHARD HOUSTON, AND MARVIN CHAMBERS, TRUSTEES FOR THE SOUTH ASHEVILLE CEMETERY ASSOCIATION

Consideration was given to a resolution authorizing the Mayor to execute a quitclaim deed for property known as South Asheville Cemetery to Forest Hardy, Richard Houston, and Marvin Chambers, Trustees for the South Asheville Cemetery Association.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-182 was unanimously adopted.

Complete text of Resolution No. 81-182 will be found in Resolution Book No. 13 at page 15.

RESOLUTION NO. 81-183 - RESOLUTION ACCEPTING A DEED OF EASEMENT FOR INGLEWOOD ROAD FROM THE COUNTRY CLUB OF ASHEVILLE, INC.

Consideration was given to a resolution accepting a Deed of Easement for Inglewood Road ~~From~~ the Country Club of Asheville, Inc.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-183 was unanimously adopted.

Complete text of Resolution No. 81-183 will be found in Resolution Book No. 13 at page 16.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Boland, the meeting adjourned at 4:55 p. m.

Raym. Harrison
MAYOR

William F. McCall
CITY CLERK

RESOLUTION NO. 81-180 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY (Public auction)

7. Consideration was given to a resolution authorizing the Director of Finance to sell surplus property.

The City Manager read the resolution stating that this resolution will authorize the Director of Finance to dispose of surplus materials, equipment, and items as may be declared as surplus by City Department and Division Heads by public auction at a time and place to be announced to the general public in accordance with Article V, Section 32 (d) of the City Charter for the calendar year of 1981.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-180 was unanimously adopted.

Complete text of Resolution No. 81-180 will be found in Resolution Book No. 13 at page 13.

CITY COUNCIL MEETING - AUGUST 13, 1981 - 2:00 P. M.

8. Councilwoman Price moved to schedule the City Council meeting for August 13, 1981 for 2:00 p. m. due to the opening ceremonies of the Bele Chere Festival for 1981. This motion was seconded by Councilman Cole and carried unanimously.

NEW RED STOP SIGNS FOR SCHOOL CROSSING GUARDS

Councilwoman Price commended the City Manager for having bright red stop signs for school crossing guards to carry this year.

SIGN REGULATIONS EXEMPT DURING BELE CHERE FESTIVAL 1981

At the request of Verl Emrick, Planning Director, Vice-Mayor Morris moved that the banners, directional and area identification signs, approved by the Bele Chere Board which officially advertises the Bele Chere Festival, be exempt from the provisions of Article 9, Sign Regulations of Ordinance No. 322, as amended, for the period of the 1981 Bele Chere Festival. This motion was seconded by Councilman Boland and carried unanimously.

CLAIMS - JAMES BUCKNER - ROY DODGE, JR.

The City Manager presented claims received from James Buckner and Roy Dodge, Jr.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING - CAPITAL PROJECTS BUDGET
 (Improvements to the Employee Safety and Development Training Room and Office
 Improvements in the Administration Department --Reid Recreation Center Community
 Based Alternative Funding, Enrichment II Grant -- 1981/82 Bridge Renovation Program
 -- Surplus Community Development Funds)

3. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

- a) General Revenue Sharing Fund - to appropriate for improvements to the Employee Safety and Development Training Room and Office Improvements in the Administration Department as follows:

Employee Safety and Development	\$3,055
Administrative Services	<u>6,000</u>
	\$9,055
- b) Federal Grants Project Fund - to appropriate funds in the amount of \$4,000 to recognize the Reid Recreation Center Community Based Alternative Funding, Enrichment II Grant.
- c) General Capital Projects Fund - to appropriate \$347,000 for the Fiscal 1981/82 Bridge Renovation Program Funding to come from General Capital reserves.
- d) Community Development Fund - To reprogram surplus Community Development funds as follows:

West Asheville Fire Station	\$ 480
Eagle St./Market St. Plan	
Implementation	200,675
Water/Sewer - ARC Match Grants	100,000
Asheville Downtown Commercial Complex	<u>100,000</u>
	\$ 401,155

Councilman Wilkes noted that the surplus Community Development funds is from the sale of land in the East Riverside Redevelopment area.

Councilman Wilkes moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

Upon inquiry of Wayne Caldwell, Councilman Wilkes again stated that the surplus Community Development funds is from the sale of land in the East Riverside Redevelopment area and that funds being appropriated for Asheville Downtown Commercial Complex is for any commercial downtown revitalization project and not designed for one particular developer.

RESOLUTION NO. 81-184 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SELL FINGERLING TROUT FROM BEE TREE LAKE HATCHERIES

4. Consideration was given to a resolution authorizing the Director of Parks and Recreation to sell fingerling trout from Bee Tree Lake Hatcheries.

Thursday - August 13, 1981 - 2:00 p. m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding;
Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager Kenneth M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending groundbreaking for "Elvis Fans Hall of Fame")
Councilwoman Norma T. Price (attending Bele Chere Festival)

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 6, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilman Boland, the minutes of the August 6, 1981 meeting were approved as submitted.

ORDINANCE NO. 1237 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Increasing membership to the Board of Adjustment)

2. Consideration was given to the third reading of Ordinance No. 1237, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended increasing membership on the Board of Adjustment.

Vice-Mayor Morris said the ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

The City Manager said, at the direction of Council on August 6, 1981, Mr. Emrick, Planning Director, contacted the Buncombe County Commissioners to determine if they wanted to increase their powers on appointing members to the Board of Adjustment. He said as a result it has been recommended that Ordinance No. 1237 Section (1) be amended to read as follows:

"The Board shall consist of nine (9) or more members appointed by the City Council for a term of three (3) years and two (2) or more members, not to exceed four (4) members who are residents of the extraterritorial area appointed by the County Commissioners for a term of three (3) years."

Councilman Boland moved to amend Ordinance No. 1237 Section (1) as read by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1237 passed on third and final reading.

Complete text of Ordinance No. 1237 will be found in Ordinance Book No. 9 at page 264.

- A. Resolution No. 81-186 - Resolution appointing members to the Asheville Tree Commission for the City of Asheville.

HIGHLIGHTS: This resolution will reappoint John Reid, Verne Rhoades, and Susan Maver as members of the Asheville Tree Commission to serve for a term of three (3) years.

Resolution Book No. 13 at page 19.

- B. Resolution No. 81-187 - Resolution authorizing the Purchasing Director to sell surplus property.

HIGHLIGHTS: The Water Maintenance and Construction Division of the Water and Sewer Department has **accumulated** several tons of scrap materials consisting of cast iron, copper, brass and galvanized pipe fittings, broken fire hydrants and various scrap equipment and automotive parts. The Superintendent of Water Maintenance and Construction has declared that these materials are obsolete and broken beyond repair and has requested they be disposed of as scrap. This resolution will authorize the Purchasing Director to sell by sealed bid, surplus property as described above to the highest bidder.

Resolution Book No. 13 at page 20.

- C. Approval of bids received July 27, 1981 for "Dry Zinc Polyphosphate for Water Treatment."

HIGHLIGHTS: Three (3) bids were received. Recommendation of acceptance of low bid submitted by Virginia Chemicals, Inc., in the amount of \$18,896.50. Funding: Water and Sewer Department - Water Production Operations appropriations - Account Code 30-750-162.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

PARADE - "BELE CHERE FESTIVAL 1981"

The City Manager reminded Council members that the "Bele Chere Festival 1981" parade will begin at 4:30 p. m. today.

ANNOUNCEMENT OF APPOINTMENT - WILLIAM MURPHY - CIVIC CENTER DIRECTOR

The City Manager announced the appointment of William Murphy as Civic Center Director.

The City Manager read the resolution stating that the City of Asheville has approximately 7,000 fingerling trout ranging in size from 2 inches to 7 inches in the hatchery at Bee Tree Lake and has decided that it is necessary to keep the fishing operations closed at Bee Tree Lake this year. The use of Bee Tree Lake as a water supply source is creating difficulties in maintaining the trout hatchery operations and this resolution will authorize the Parks and Recreation Director to dispose of the trout in the raceways at Bee Tree Lake on a negotiated sale basis with the State of North Carolina Wildlife Commission.

Several members of Council said, in the future when the City can again open Bee Tree Lake for fishing, they hoped the North Carolina Wildlife Commission would reciprocate.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-184 was unanimously adopted.

Complete text of Resolution No. 81-184 will be found in Resolution Book No. 13 at page 17.

RESOLUTION NO. 81-185 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

5. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution stating that this is an application for an annual grant from the Department of Transportation to aid in the financing of a technical study grant to implement specific items of the 1981-82 Asheville Urban Area Unified Work Program. The total project budget is \$27,750 with the federal sharing being 80% or \$22,200.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 81-185 was unanimously adopted.

Complete text of Resolution No. 81-185 will be found in Resolution Book No. 13 at page 18.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Thursday - August 20, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager Kenneth M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Trantham introduced Rev. John White, pastor of the Mt. Zion Baptist Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 13, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the August 13, 1981 meeting were approved as submitted.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING - CAPITAL PROJECTS BUDGET (Regional Transportation Center Grant Funding - Grant for restoration of facades in the Asheville Historic District - appropriate unspent portion of 1980-81 Historic Resources Commission Budget)

2. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

- a) General Fund - Planning Department - to appropriate \$25,000 for the planning work necessary for a Regional Transportation Center. \$20,000 to come from a State Department of Transportation grant and \$5,000 is to be contributed in in-kind services by the Community Development planning activity.
- b) General Fund - Planning Department - to recognize a state grant from the Department of Archives and History for professional services for restoration of facades in the Asheville Historic District in the amount of \$5,000.
- c) General Fund - Planning Department - to appropriate the unspent portion of the Fiscal Year 1980-81 Historic Resources Commission budget in Fiscal Year 1981-82. \$16,846 remained unspent as of June 30, 1981.

The City Manager presented the budget amendments.

Councilman Boland moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 81-188 - RESOLUTION APPOINTING MEMBERS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (William C. Frue - Mrs. Pauline Tennant - William O. Moore, Cleatus B. Tate - Steve Mitchell)

Consideration was given to a resolution appointing members of the Planning and Zoning Commission.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Boland, Resolution No. 81-188 was unanimously adopted.

Complete text of Resolution No. 81-188 will be found in Resolution Book No. 13 at page 21.

PROCLAMATION - "HOT AIR BALLOON RACE DAY" - SATURDAY, AUGUST 15, 1981

Vice-Mayor Morris proclaimed Saturday, August 15, 1981 as "Hot Air Balloon Race Day."

CLAIMS - GRACE WORLEY - BRENDA WHITMIRE - FRED WARNER - JERRY BANKS - JOHN MOZINGO - TAMMY SHAMEY - DAN WALTERS

The City Manager presented claims received from Grace Worley, Brenda Whitmire, Fred Warner, Jerry Banks, John Mozingo, Tammy Shamey, and Dan Walters.

RESOLUTION NO. 81-189 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THOMPSON-GORDON-SHOOK ENGINEERS, INCORPORATED -- ENGINEERING SERVICES-BRIDGES

Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Thompson-Gordon-Shook Engineers, Incorporated to provide professional engineering services necessary to replace/rehabilitate four bridges on the City of Asheville Street System.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 81-189 was unanimously adopted.

Complete text of Resolution No. 81-189 will be found in Resolution Book No. 13 at page 22.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 2:25 p. m.


MAYOR


CITY CLERK

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 81-191 was unanimously adopted.

Complete text of Resolution No. 81-191 will be found in Resolution Book No. 13 at page 24.

RESOLUTION NO. 81-192 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PATLA, STRAUS, ROBINSON AND MOORE, P. A. FOR PROFESSIONAL LEGAL SERVICES RELATED TO VARIOUS FUNCTIONAL STAFF AND OPERATIONAL SERVICE ACTIVITIES

6. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Patla, Straus, Robinson, and Moore, P. A. for professional legal services related to various functional staff and operational service activities.

The City Manager read the resolution which stated that the City of Asheville requires legal consultation and services in a variety of staff and operational service activities in addition to the general legal services of the Corporate Counsel. The City has used the services of various attorneys in the firm of Patla, Straus, Robinson and Moore, P. A., to perform the necessary consultation and legal services related to these other areas of city operations. The City Council now feels that it is appropriate to enter into a formal agreement with Patla, Straus, Robinson, and Moore, P. A. regarding the terms and conditions of these legal services.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-192 was unanimously adopted.

Complete text of Resolution No. 81-192 will be found in Resolution Book No. 13 at page 25.

RESOLUTION NO. 81-193 - RESOLUTION APPROVING ECONOMIC DEVELOPMENT PROGRAM FOR THE CITY OF ASHEVILLE FOR 1981-82 PURSUANT TO ORDINANCE 1207 AS AMENDED

7. Consideration was given to a resolution approving Economic Development program for the City of Asheville for 1981-82 pursuant to Ordinance 1207 as amended.

The City Manager read the resolution which stated in part that the City Council has charged the Asheville Revitalization and Economic Development Commission with the responsibility of preparing an Economic Development plan to serve as a guide for the City's annual Economic Development Program. This resolution will approve the Economic Development Program for 1981-82.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-193 was unanimously adopted.

Complete text of Resolution No. 81-193 will be found in Resolution Book No. 13 at page 26.

Councilwoman Price and Councilman Boland commented that the program set out by the Asheville Revitalization and Economic Development Commission has achievable goals for the City of Asheville.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

3. Consideration was given to a motion approving the sale of Disposal Parcels in the East Riverside Renewal Project.

The City Manager presented the recommendation of the Housing Authority who tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
19	Residential	\$ 2,300	\$2,820	Pauline Rollinson & Nina Baten
47-48	Residential	3,500	3,600	Jacqueline McGahee
141	Residential	1,600	1,800	Jerry McClain, et ux
158	Residential	1,700	1,701	Walter Ellis, et ux

Councilman Wilkes moved to approve the sale of Disposal Parcels 19, 47-48, 141 and 158 in the East Riverside Renewal Project as recommended by the Housing Authority. This motion was seconded by Vice-Mayor Morris and carried unanimously.

RESOLUTION NO. 81-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH WNC PARKING LOT SERVICES, INC.

4. Consideration was given to a resolution authorizing the City Manager to renew a contract with WNC Parking Lot Services, Inc.

The City Manager read the resolution which stated that the City of Asheville has entered into a contract with WNC Parking Lot Services, Inc. for the purpose of cleaning the Civic Center Parking Garage. The contract is renewable by written consent by both parties for a period of twelve (12) months, beginning September 1, 1981.

A discussion was held relative to the responsibility of maintenance of the Civic Center Parking Garage. The City Manager said he would check into the responsibility of maintenance and have the necessary maintenance done.

Upon motion of Councilman Brownlee, seconded by Councilman Bolland, Resolution No. 81-190 was unanimously adopted.

Complete text of Resolution No. 81-190 will be found in Resolution Book No. 13 at page 23.

RESOLUTION NO. 81-191 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WILLIAM C. MOORE TO SERVE AS CORPORATE COUNSEL FOR THE CITY

5. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with William C. Moore to serve as Corporate Counsel for the City.

The City Manager read the resolution which stated that the City of Asheville requires the services of an attorney to serve as Corporate Council to the Asheville City Council. William C. Moore possesses the required professional qualifications and has served in the capacity of Corporate Counsel since 1974 and it is in the best interest of the City to execute a formal agreement for these legal services. This resolution will authorize the Mayor to enter into an agreement with William C. Moore to serve as Corporate Counsel for the City of Asheville.

Thursday - August 27, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Walter R. Boland

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 20, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the minutes of the August 20, 1981 meeting were approved as submitted.

RESOLUTION NO. 81-195 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CHARTER COMMISSION (Mrs. Barbara Keleher, Mr. Joe Webster, Mr. Robert J. Robinson, Dr. Cecil E. Sherman, Mrs. Linda Winner, and Harold C. Enloe)

2. Consideration was given to a resolution appointing members to the Asheville-Buncombe Charter Commission.

The City Manager read the resolution stating that Chapter 778 of the 1981 Session Laws of the North Carolina General Assembly created the Asheville Buncombe Charter Commission and section 3(a)(1) provides that the City Council of the City of Asheville appoint six (6) members to the Commission. This resolution will appoint Mrs. Barbara Keleher, Mr. Joe Webster, Mr. Robert J. Robinson, Dr. Cecil E. Sherman, Mrs. Linda Winner, and Harold C. Enloe as members of the Commission to serve for the term of the commission's work or until their successors are duly appointed and qualified.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-195 was unanimously adopted.

Complete text of Resolution No. 81-195 will be found in Resolution Book No. 13 at page 28.

RESOLUTION NO. 81-197 - RESOLUTION OF COMMENDATION OF ASHEVILLE JUNIOR TENNIS TEAM

3. Consideration was given to a resolution of commendation of Asheville Junior Tennis Team.

The City Manager read the resolution which stated that Laneal Vaughn, Charles William, Asheley Rodney, Craig Hall, Doug Maynard, Jimmy Weilbaeher, Brian Graham and Coach C. W. Craven II are all members of the Asheville Junior Tennis Team. The Asheville Junior Tennis Team participated in the National City Tennis Tournament at Kansas City, Missouri, August 3 - 7, 1981 and competed against teams from various cities throughout the United States. The City of Asheville wishes to congratulate each member of the team for representing Asheville in such a prestigious event in competition with cities much larger than Asheville.

172

RESOLUTION NO. 81-194 - RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF
CHARLOTTE STREET FROM 9:00 A.M. TO 5:00 P. M. ON SATURDAY, SEPTEMBER 12, 1981

8. Consideration was given to a resolution authorizing the closing of a portion of Charlotte Street from 9:00 a. m. to 5:00 p. m. on Saturday, September 12, 1981.

The City Manager read the resolution which stated that the Congregation and Vestry of St. Mary's Church have requested that a portion of Charlotte Street, lying between Macon Avenue and Evelyn Place, be closed during the hours of their 20th Annual Sidewalk Sale on Saturday, September 12, 1981. The closing of this portion of Charlotte Street will not create any undue hardship or inconvenience for residents of the area. This resolution will authorize the closing of said street and also waive Section 25-5 and 25-6 of the Code of Ordinances relative to Selling on Streets and Sidewalks and Use of Streets and Sidewalks for Demonstrations, etc.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-194 was unanimously adopted.

Complete text of Resolution No. 81-194 will be found in Resolution Book No. 13 at page 27.

BELE CHERE FESTIVAL 1981 - COMMENTS BY COUNCILMEMBERS

Several Council members commented on the Bele Chere Festival for 1981 being successful. Councilwoman Price said all those involved in the preparation of Bele Chere should be personally thanked.

PROCLAMATION - AUGUST 26, 1981 - WOMEN'S EQUALITY DAY

Mayor Trantham proclaimed August 26, 1981 as "Women's Equality Day."

CLAIMS - DENVER KING - JAMES THOMPSON - MARY BRYSON

The City Manager presented claims received from Denver King, James Thompson and Mary Bryson.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

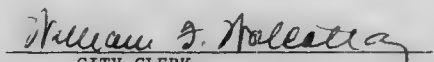
SUGGESTED APPOINTMENTS TO THE ASHEVILLE-BUNCOMBE CHARTER COMMISSION - PRESENTED

The City Manager noted that during an executive session in the Pre-Council meeting today, Council discussed suggested appointments to the Asheville-Buncombe Charter Commission. He said as required by the Open Meetings Law, the suggested list is hereby presented and will be available for inspection in the Office of the City Clerk.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilwoman Price, the meeting adjourned at 4:30 p. m.


MAYOR


CITY CLERK

176
PRESS RELEASE
TUESDAY, AUGUST 25, 1981 - 2:00 P.M.
PAGE TWO

2. THE BASIC PROJECT CONSISTS OF THREE (3) DEPARTMENT STORES, 250,000 SQUARE FEET FOR OTHER SHOPS, A PARKING FACILITY, A CONVENTION HOTEL, SPACE FOR AN OFFICE BUILDING, ALL CONSTRUCTED IN AN OPEN-SPACE SETTING CONSISTENT WITH OUR DOWNTOWN APPEARANCE.
3. FUNDING FOR THE PROJECT IS PROPOSED TO COME FROM THE FOLLOWING SOURCES: GRANTS, PRIVATE INTERESTS, AND BONDS.
4. THE TOTAL PROJECT AT THIS POINT IN TIME IS ESTIMATED TO BE 116 MILLION DOLLARS.
5. FEASIBILITY STUDIES TO DATE INCLUDE: REVIEW BY THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION; CITY FINANCIAL CONSULTANTS - PRICE, WATERHOUSE AND BOND COUNSEL BROWN, WOOD, IVEY, MITCHELL & PETTY; CITY STAFF, HOUSING AUTHORITY, CITY LEGAL COUNSEL, THE REVITALIZATION AND ECONOMIC DEVELOPMENT COMMISSION, THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND THE PLANNING AND ZONING COMMISSION.

ON THURSDAY, AUGUST 27, 1981, THE CITY COUNCIL WILL CONSIDER A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR A BOND ISSUE OF UP TO 40 MILLION DOLLARS. IF APPROVED, THE ENABLING LEGISLATION REFERENDUM WILL BE ON NOVEMBER 3, 1981, BALLOT FOR VOTER APPROVAL.

75
Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, Resolution No. 81-197 was unanimously adopted.

Complete text of Resolution No. 81-197 will be found in Resolution Book No. 13 at page 31.

City Council Meeting 8/27/81
RESOLUTION NO. 81-196 - RESOLUTION MAKING CERTAIN FINDINGS TO THE USE OF A PROPOSED GENERAL OBLIGATION BOND ISSUE, AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION AND DESIGNATING THE AUTHORIZED REPRESENTATIVE TO THE CITY TO FILE THE APPLICATION AND TO EMPLOY BOND COUNSEL

4. Consideration was given to a resolution making certain findings relative to the use of a proposed general obligation bond issue, authorizing the filing of an application with the North Carolina Local Government Commission and designating the authorized representative to the City to file the application and to employ bond counsel.

The City Manager presented members of Council copies of the following documents: PRESS RELEASE

FOR IMMEDIATE RELEASE - 2:00 P.M.
TUESDAY, AUGUST 25, 1981
BY: KEN MICHALOVE, CITY MANAGER OF ASHEVILLE, NC
FOR FURTHER INFORMATION: - KEN MICHALOVE
255-5462

APPROXIMATELY TWO YEARS AGO, STROUSE-GREENBERG AND COMPANY, ONE OF THE LARGEST DEVELOPERS IN THE NATION, PROPOSED A MAJOR DOWNTOWN REVITALIZATION PROJECT FOR OUR CENTRAL CITY. TO DATE, CONSIDERABLE STUDY OF THIS PROJECT HAS BEEN DONE IN AN EFFORT TO DETERMINE THE FINANCIAL AND PRACTICAL FEASIBILITY OF THE PROJECT. OUR STAFF REPORT TO THE PUBLIC TODAY IS THAT IN OUR STUDY OF THIS PROJECT, IT IS FEASIBLE AND PRACTICAL AT THIS POINT IN TIME. THE RENTS THE CITY WILL RECEIVE FROM THE PROJECT ARE DESIGNED TO PAY CITY DEBT SERVICE ON BONDS AND PROVIDE GUARANTEES FOR COMPLETION OF THE PROJECT, IN ADDITION TO SUBSTANTIALLY INCREASING AD VALOREM TAX REVENUES FOR THE CITY AND COUNTY AND PROVIDING NEW JOBS.

THE MAJOR POINTS THAT MUST BE MADE TO THE CITIZENS ARE AS FOLLOWS:

1. "THIS IS A POINT-IN-TIME REPORT" - THE ANNOUNCEMENT TODAY IS A REPORT OF OUR STUDIES, PERHAPS BETTER EXPLAINED - IF COMPARED TO THE COUNTDOWN OF A SPACE MISSION BLASTOFF - WE ARE AT STEP 1 AND COUNTING. HOWEVER, AT ANY TIME UNTIL WE GET TO "ZERO" OR "GO" WE ARE NOT REQUIRED TO GO FURTHER. THE NEXT MAJOR STEP IS FOR THE TAXPAYERS TO CONSIDER A VOTE FOR BONDS - ASSUMING THAT IS FAVORABLE, THAT MOVES US TO STEP 2, BUT DOES NOT THROW THE SWITCH TO "GO." ONLY AFTER ALL FURTHER FEASIBILITY, LEGAL, AND PRACTICAL STEPS ARE FAVORABLY COMPLETED, CAN IT GO.

Halt

PROPOSED ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX8/81

Private investment	\$ 56,092,000
Asheville redevelopment bonds	40,000,000
Grants	<u>20,000,000</u>
	<u>\$116,092,000</u>

	1981 Cost	Inflation and Contingency	Total Projected Cost to Completion
Land acquisition, demolition and relocation	\$ 9,692,000	\$ 2,544,000	\$ 12,236,000
Off site improvements	1,762,000	435,000	2,197,000
On site utilities	187,000	34,000	221,000
Parking facility	12,832,000	2,939,000	15,771,000
Mall shops	19,803,000	5,342,000	25,145,000
Department stores	16,560,000	5,384,000	21,944,000
Mall and service facilities	7,346,000	297,000	7,643,000
Hotel	18,000,000	4,325,000	22,325,000
Construction interest, architectural, engineering and other soft costs	<u>6,610,000</u>	<u>2,000,000</u>	<u>8,610,000</u>
	<u>\$92,792,000</u>	<u>\$23,300,000</u>	<u>\$116,092,000</u>

PROJECTED ANNUAL CASH FLOW

Net rental income		\$ 5,899,000
Lease payments to City of Asheville	\$4,415,000	
Operating expenses	<u>984,000</u>	<u>5,399,000</u>
Net cash flow		<u>\$ 500,000</u>

ANNUAL REAL PROPERTY TAX REVENUES TO CITY OF ASHEVILLE

Completed project	\$ 826,875
Present from same area	<u>43,944</u>
Annual increase	<u>\$ 782,931</u>

Property taxes on inventories, furniture & fixtures, and miscellaneous other property, sales taxes, privilege license fees, and other charges not included.

Estimated construction jobs	1,500
Estimated new permanent jobs	2,000

177

SOME OF THE PROPOSED PROTECTIONS FOR THE CITY OF ASHEVILLE AND OTHER
RELATED MATTERS THAT MUST TAKE PLACE IN THE FUTURE AS IT RELATES TO
PROCEEDING WITH THE DOWNTOWN COMMERCIAL COMPLEX

1. Fact Finding Committee has been appointed to go to other cities the size of Asheville and examine the success and failure of this type project. Members - Maurice Winger, Robert Turner, J.D. Jackson, and Verl Emrick.
2. We will meet the requirements of the North Carolina Historic Preservation Organization.
3. We will meet the requirements of the North Carolina Local Government Commission.
4. Our financial consultant - Price, Waterhouse and Company and our bond counsel, Brown, Wood, Ivey, Mitchell and Petty will continue to be involved in the developmental monitoring of the project.
5. Provision will be made for outside financial auditing and permanent staff to monitor the project once underway.
6. A performance and payment bond is required during the project construction.
7. Strouse-Greenberg is to guarantee specific performance of the lease agreement through a pledge of personal assets of the partners.
8. A security deposit will be required during the period of operation of the facility.
9. Rents the City shall receive monthly will pay grant and bond obligations.
10. Assignment of sub-leases will be made to the City.
11. Commitments from anchor stores and a certain amount of other floor space will be definitely signed by a pre-agreed-to date.
12. Inflation factors are built into the current cost estimate and interest rates are set at a reasonable level.
13. Requirements of all grants will have to be met.
14. We are investigating a third party feasibility review by a private bank and the feasibility of catastrophic insurance.
15. Grants will have to be forthcoming in sufficient amount to offset certain expenses.
16. A favorable vote on the bond referendum will have to take place.
17. Obtaining a favorable opinion from the Department of Transportation regarding a Thoroughfare Plan.
18. City approval of the architect's plan.
19. City approval of the relocation and land acquisition plan.

The City Manager said in effect the resolution under consideration by Council, will also set an amount of money, not more than \$40,000,000 in general obligation bonds and the intention is to place this issue before the voters on the November 3rd ballot in order for the voters of the City of Asheville to make the decision about the importance of having this type complex for the City of Asheville.

The City Manager reviewed the documents presented to Council being the "press release- 8/25/81," "fact sheet - Asheville Downtown Commercial Complex," "list of 19 items - related matters," and "general financing sheet - proposed Asheville Downtown Commercial Complex."

In referring to the list of 19 items, the City Manager said there are many more matters to be taken care of in the project, however this list includes more significant things that the City will be dealing with in this process.

The City Manager noted that out of all the publicity that the City has received on this issue, he had only received one call from a property owner in the affected area who understood that the property owners in the affected area would be moved out without compensation. He said it was his hope that whether the citizens of Asheville are for or against the project that they would receive all the facts accurately and not get the facts distorted. He said if the project goes, the City and the Housing Authority will have to meet the federal requirements under the "Uniform Relocation Assistance Act" to compensate the property owners and to meet all the guidelines of that Act.

At this point, Councilwoman Price said members of Council had set the fact mentioned by the City Manager as criteria for the proposed project and that there would be a favorable relocation plan for the property owners in the affected area.

The City Manager said all the information and documents should be treated as a "point-in-time report" and is subject to change.

In reviewing the general financing sheet - proposed Asheville Downtown Commercial Complex, the City Manager pointed out that if the complex were built at 1981 cost it would be projected to cost \$92,792,000. However, it will take time to process all the documents for bond consideration and arrange for federal grants. He said it would take 2 to 2½ years for construction, so built into the project is \$23,300,000 of inflation and contingency costs. He said if inflation doesn't increase as fast as projected, obviously the project will be built for less.

The City Manager said the project should not be considered a non-profit venture for the City or the developer. The developer is going to make money or he would not develop here. The City's expense for operation of the parking facility and payment of the debt service comes off the top. He said it is projected that the City would have an estimated annual increase just in real property tax revenues, based on the current tax rate, of \$782,931. He said this project doesn't really add to the service cost that the City now has in terms of police, fire, and garbage collection so the City is adding to the budget from a revenue standpoint.

The City Manager said from the city staff's point of view there are not any negative fiscal reasons why the City should not proceed and they would recommend that Council adopt the resolution under consideration.

FACT SHEETASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

NATURE OF PROJECT:	Shopping Mall with three department stores and a hotel and office bldg.
LAND USE AREA:	Approximately 12 acres.
SURROUNDING ACCESS STREETS:	Broadway, College, Rankin & Hiwassee.
SIZE OF PROJECT:	Retail - 600,000 square feet Hotel - 250 - 300 rooms Office Building - 100,000 square feet.
NUMBER OF STORES:	110 - 115 Units on two and one half levels.
PARKING:	New Garage - 2400 spaces Existing Garage - 600 spaces.
DEVELOPER:	Strouse, Greenberg - Asheville Assoc.
ARCHITECT:	Dellinger and Lee (Charlotte, N.C.)
LEASING:	Strouse, Greenberg and Co. Agents
CONSULTANTS:	Urban Partners; Price Waterhouse; Barton-Ashman; Butler Associates.
BOND COUNSEL:	Brown & Wood
CITY'S COUNSEL:	Patla, Straus, Robinson & Moore
STATE OF NORTH CAROLINA:	Local Government Commission Historical Preservation Office

The City Manager read the resolution.

Mayor Trantham opened the discussion to those in the audience and requested that any individual speaking for a group or organization speak first and those individuals speaking for themselves limit their comments to three (3) minutes.

Upon inquiry of Councilman Wilkes, a discussion was held relative to how a "satisfied interest rate" would be determined. Councilman Cole said he felt the rate would have to be sufficient to entice an investor to purchase the local general obligation bonds. The City Manager said the projected figures are based on a 10-1/2% interest rate and any amount higher than that would cause the projected figures to change. He said Council would have one (1) year, after a favorable vote on the issuance of the bonds, to issue the bonds which would give time to consider the market. It was noted that the City Council, at the time of the issuance of the bonds, would determine the "satisfied interest rates." Councilwoman Price said if it was determined that a "satisfied interest rate" could not be obtained then the project would not be feasible.

Wayne Caldwell, representing Save Downtown Asheville, said since members of Council already know how he feels about the project he would not elaborate on his feelings. He pointed out that Councilwoman Price had questioned whether any other developers had come forth during this period and the answer was "no." He said the resolution states that there are no other viable proposals which have made for the redevelopment of the area. He said he must remind Council of John Lantzius. He said he attended a Council meeting when John Lantzius explained his ideas for downtown and he also attended a meeting of Council when they entered into a memorandum of understanding with Strouse-Greenberg and he had commented during that meeting "that will effectively shut out any developers from coming in and offering proposals." He said it was not a question on John Lantzius' part of not wanting to redevelop the area. He said Council should be aware of that point.

Mr. Caldwell said, especially during an election year, Council should find it scary to ask the voters to approve the issuance of general obligation bonds. He said the city taxpayer would be obligated to finance the bonds in the last resort if everybody goes broke. He said in order for the public (the City of Asheville) to make an intelligent decision about that they will need to have a good deal more financial facts about this project than they now have. He requested that his organization, or anybody that wants it, be furnished a copy of the "Price Waterhouse report," that some individuals in town have. He said he would like a copy of the full financial feasibility study of the project at this point.

The City Manager said he would have the City Attorney review the document and if it can be released it will be released.

Mr. Caldwell said it was his understanding that this report was largely funded through Community Development funds and that it should be public property.

The City Manager said if that turns out to be the case he would make the report available.

Ralph Bishop spoke in opposition to the resolution stating that the City taxpayer should not be asked to finance anything.

Joe Lowrance, representing Strouse Greenberg and Company reviewed a rendering and model of the proposed complex. He said his company was very excited about the way the complex is developing. He said certainly the need and demand for a retail complex of this size in the Asheville trade area has been evident by interests of developers and the market studies. He said the complex has the potential of being a success for Asheville and offers a tremendous retail/commercial potential in the downtown area.

Upon inquiry of Councilwoman Price, Mr. Lowrance said an office building is not included in the proposed figures. He said this could be added later.

Upon inquiry of Councilwoman Price, whether any consideration had been given to the present property owners in the area of having an opportunity to become part of the complex at a reduction or some consideration, Mr. Lowrance said no discussion had been made of this, however, this could be worked out with the Housing Authority's relocation plan.

Councilwoman Price noted that Council would have the opportunity of approving the final plans of the complex since the developers would be required to go through the Group Development process with the Planning and Zoning Commission reviewing the plans and rendering a recommendation.

Councilwoman Price said about two (2) years ago it was said that the City staff would be available to work with any developer who might have plans for downtown. She asked the City Manager if any other developer had come forward with any plans, indepth studies for parking garages, hotels or any other kind of shopping other than Strouse Greenberg Company.

In answer to Councilwoman Price, the City Manager said to his knowledge, other than the presentations that were made generally to Council, in November, there have not been any other developers presenting proposals.

The City Manager assured Councilman Cole that his assumption that this proposal, until recently, was proposed to be funded by revenue bonds, which at the current market is almost prohibitive to municipalities, and that the most favorable route would be through general obligation bonds. The City Manager said the current interest rate for the general obligation bonds is at 10.5% for 20 years.

Councilman Cole asked the City Manager if he was correct in saying that to this time the Council has continuously insisted that this project be built without cost to the taxpayers. However, in going with this new type bond, that is guaranteed by the taxpayers, should the project, after it is entered into successfully and everything is complete; find that the development is not successful then the taxpayers must understand that if there is no income from the project the taxpayers would have to pay these bonds out of ad valorem taxes.

The City Manager said Councilman Cole's statement is true. However, many protections have been put into the agreement. He said he could not tell the taxpayers that there is no risk involved, but the City, to the best of their ability, tried to cover that (risk) through security deposits, performance bonds, etc. He said the City would have to prove to the Local Government Commission that there is a revenue source through rents to meet the bond obligation.

RESOLUTION NO. 81-198- RESOLUTION ESTABLISHING A STANDARD FIRE CONTRACT FEE STRUCTURE

RESOLUTION NO. 81-199 - RESOLUTION APPROVING A BASIC FIRE CONTRACT RATE

5. Consideration was given to resolutions establishing a standard fire contract fee structure and approving a basic fire contract rate.

The City Manager read the resolutions stating that the City of Asheville is requested from time to time by individuals, companies and organizations who reside or are located outside the corporate limits of the City to enter into a contractual agreement which calls for the immediate assistance of the Asheville Fire Department in extinguishing fires which occur outside the corporate limits. The cost to the City to maintain a prompt and efficient Fire Department is very substantial and the City deems it fair and prudent that those individuals, companies, or organizations receiving benefit of the protection offered by the Fire Department share in the cost of providing this protection. These resolutions will establish a standard fire contract fee structure and approve a basic fire contract rate. He said he felt this would be a much better way to proceed in the future with fire contracts.

At the request of Councilman Wilkes, Mr. Larry Fisher, Director of Finance, explained the basic rate plus surcharges proposed for different risk grades. He said the risk grade would determine the amount of the surcharge that would be charged.

Councilwoman Price said anyone having a fire contract would receive service from the Asheville Fire Department on a first call responsibility. She said it would not be like assistance to mutual aid. She said this would possibly provide them with a cheaper fire insurance rate.

Chief Ball said a very extensive study was conducted by the Department of Finance and the administration of the Fire Department in establishing the standard fire contract fee structure and the basic fire contract fee. He said this would provide the Fire Department with good guidelines for future fire contracts.

Upon inquiry of Councilman Wilkes as to what criteria was used to determine the risk grade and rate, Larry Fisher, Director of Finance, said the Fire Department would have twenty-one different items to check in a structure requesting a fire contract, using national standards, in determining the Risk Grade. He said the Fire Department staff would make a field evaluation and the Fire Chief would assign a risk grade. He said a fire contract rate of twenty-five cents per one hundred dollar valuation has been recommended. He said he conducted a study of the budget for the Fire Department and the cost of maintaining and operating the Fire Department in recommending the fire contract rate.

Chief Ball said all requests for fire contract would be investigated before being entered into.

Vice-Mayor Morris moved for the adoption of Resolution No. 81-198 and Resolution No. 81-199. This motion was seconded by Councilwoman Price.

Complete text of Resolution No. 81-198 will be found in Resolution Book No. 13 at page 32-33.

Complete text of Resolution No. 81-199 will be found in Resolution Book No. 13 at page 34.

Sarah Long, a property holder in the affected area, asked if the City would receive any tax revenues during construction of the project.

The City Manager responded to Sarah Long that that question is being discussed in the agreement.

Councilwoman Price said that the agreement was to state that there would be income coming to the City during this time (construction time).

Councilwoman Price said, in response to Wayne Caldwell's statement about other developers presenting proposals for revitalizing downtown, it was her understanding that it was left open that the City staff was to work with anyone who came in.

The City Manager responded that he did not think that the memorandum of understanding with Strouse Greenberg contained that statement but he would check into this. He said as he recalled the Council made opportunities for any developer that wanted to come in with a plan for this area. He said there were three or four that came in and those developers were contacted during the time the City was dealing with Strouse-Greenberg. He said he was not aware that any developer pursued any more staff time or anything else.

Councilwoman Price moved for the adoption of Resolution No. 81-196. This motion was seconded by Councilman Wilkes.

Councilman Cole commented that up until this time, the development of the Strouse Greenberg project has been on the "backs" of the Asheville City Council. He said in essence what this resolution will do is lift the burden of responsibility from the Asheville City Council and place it to the taxpayers of the City as to whether Strouse Greenberg should develop this property. He said if the vote is negative then the Strouse Greenberg project would not be developed.

Vice-Mayor Morris commented that if the vote is negative the proposed method of financing the project would be dead.

Councilman Brownlee said it was his understanding, all along, that this project would not cost the city taxpayer a penny. He said it has already cost the taxpayers a lot. He said he was in great sympathy with the people who are in business in the Lexington Avenue area and they are entitled to be paid for their property and business if the project is developed. He said he was in favor of letting the general public vote on the issue and let them decide what they want to be done with this area.

On a voice vote of 6-0, Resolution No. 81-196 was unanimously adopted.

Complete text of Resolution No. 81-196 will be found in Resolution Book No. 13 at page 29-30.

COUNCIL RECESS

At this time Mayor Trantham called for a ten (10) minute recess of the Council meeting.

City of Asheville

Office of the Mayor

POST OFFICE BOX 7148

ASHEVILLE, N.C. 28807

Mayor
Roy M. Trantham

Vice Mayor
Ralph D. Morris, Jr.



Councilmembers:
Walter R. Boland
Herold F. Brownlee
F. Jack Cole
Norma T. Price
M. C. Wilkes

August 26, 1981

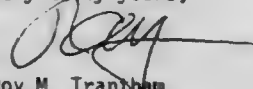
The Honorable R. Curtis Ratcliff
Chairman, Buncombe County
Board of Commissioners
Post Office Box 7435
Asheville, North Carolina 28807

Dear Curt:

As per our discussion the other day regarding the fair share funding of the promotion for the 1982 World's Fair, the City Council will pass a budget amendment Thursday, August 27, 1981 appropriating \$20,000 to the project. And, it is our understanding that the County Commissioners will appropriate \$50,000 in the near future.

My best regards to you for a speedy recovery of your operation.

Very truly yours,


Roy M. Trantham
Mayor

RMT:msm

CC: Members of City Council
Buncombe County Commissioners
Mr. W. F. Taylor

RESOLUTION NO. 81-200 - RESOLUTION APPROVING LEASE AGREEMENT WITH ASHEVILLE REGIONAL AIRPORT AUTHORITY AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

6. Consideration was given to a resolution authorizing the Mayor to enter into a lease agreement with the Asheville Regional Airport Authority for certain property at the Asheville Regional Airport.

The City Manager read the resolution stating that in the Airport Agreement between the City of Asheville and the County of Buncombe that created the Asheville Regional Airport Authority, it was stipulated that following the execution of that agreement, certain airport property belonging to the City of Asheville, would be leased to the Airport Authority. The resolution under consideration is in conformance with that section of the agreement.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-200 was unanimously adopted.

Complete text of Resolution No. 81-200 will be found in Resolution Book No. 13 at page 35.

RESOLUTION NO. 81-201 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEED OF EASEMENT BETWEEN THE CITY OF ASHEVILLE THE ASHEVILLE REGIONAL AIRPORT AUTHORITY AND THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY FOR A SEWER LINE AT THE ASHEVILLE AIRPORT

7. Consideration was given to a resolution authorizing the Mayor to enter into a deed of easement between the City of Asheville, the Asheville Regional Airport Authority and the Metropolitan Sewerage District of Buncombe County for a sewer line at the Asheville Airport.

The City Manager read the resolution stating that this resolution covers a request by the Metropolitan Sewerage District of Buncombe County for easement of right-of-way over certain airport property for the proposed construction of the South Buncombe Interceptor sewer.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-201 was unanimously adopted.

Complete text of Resolution No. 81-201 will be found in Resolution Book No. 13 at page 36.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING BUDGET- ASHEVILLE-BUNCOMBE 1982 WORLD'S FAIR PROMOTION FUND

8. Consideration was given to a budget amendment amending the City of Asheville Annual Operating budget to appropriate \$20,000 from the General Fund Contingencies to the Asheville-Buncombe 1982 World's Fair Promotion Fund.

The City Manager presented the budget amendment stating that Council had attended a session on Tuesday, August 25, 1981 to hear a presentation on the World's Fair Promotion. He said Asheville and Buncombe County needed to ~~raise~~ \$70,000 to make the World's Fair a success. He said the Chairman of the County Commissioners and the Mayor in a prior meeting had agreed on an equitable share of \$20,000 for the City to appropriate and the County to appropriate \$50,000. He said Mayor Trantham had written the following letter to the Chairman of the County Commissioners indicating that the City would take action on the appropriation with the assumption that the County would appropriate \$50,000.

- E. Approval of bids received July 24, 1981 for water treatment chemicals.

HIGHLIGHTS: Seven bidders submitted proposals to furnish a six month term contract to supply the Water and Sewer Department with water treatment chemicals. Recommendation of acceptance of low bids submitted by Jones Chemicals in the amount of \$9,230.00, Holtrachem, Inc., \$28,000.00, Chemtech Industries, \$7,574.40 and McKesson Chemical Company, \$3,363.75. Sufficient funds are available in the Water and Sewer Department Water Production activity.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

CLAIMS - GARY McDANIELS- CHARLES COXIE- VAUGHN PAYNE - CARL RHINEHARDT

The City Manager presented claims received from Gary McDaniels, Charles Coxie, Vaughn Payne and Carl Rhinehardt.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23, 1981

Mayor Trantham proclaimed the week of September 17 - 23, 1981 as Constitution Week.

RESOLUTION NO. 81-203 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REVITALIZATION AND ECONOMIC DEVELOPMENT COMMISSION (Thomas F. Dabney, Mrs. Robert N. Bailey, Mr. Walter St. G. Gladding, Leon Rocamora)

Consideration was given to a resolution appointing members to the Asheville Revitalization and Economic Development Commission.

The City Manager read the resolution appointing Mr. Thomas F. Dabney, Mrs. Robert N. Bailey, Mr. Walter St. G. Gladding and Leon Rocamora as members of the Asheville Revitalization and Economic Development Commission.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-203 was unanimously adopted.

Complete text of Resolution No. 81-203 will be found in Resolution Book No. 13 at page 38.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to the adoption of an ordinance designating the "Richmond Hill House" as historic property for September 10, 1981.

HIGHLIGHTS: The City Council will consider an ordinance designating the "Richmond Hill House" as historic property. This building is now on the National Register of Historic Places and this ordinance will provide for local designation, from which the property owner may derive tax benefits through maintenance and improvements to the property.

- B. Resolution No. 81-202 - Resolution authorizing the Mayor to sign a consent judgement in the case of the North Carolina Department of Transportation vs. Benny F. Byrd and wife Louella M. Byrd, et al.

HIGHLIGHTS: This is a condemnation by the N. C. Dept. of Transportation for a drainage easement on McDowell Street to which the City is a party and it is in the best interest of the City to approve and consent to the agreement.

Resolution Book No. 13 at page 37

- C. Approval of bids received July 29, 1981, for fencing at various parks.

HIGHLIGHTS: Three bids were received. Recommendation of acceptance of low bid submitted by Hendersonville Fence Company in the amount of \$24,110. Sufficient funds are available under Deaverview Park; Kenilworth Park; Murphy-Oakley Park; Walton Street Park; Shiloh Park; and Montford Park.

- D. Approval of bids received July 29, 1981 for asphalt tennis courts at Kenilworth Park and Aston Park.

HIGHLIGHTS: Four bids were received. Recommendation of acceptance of low bid submitted by Pace Brothers Construction Company, Inc. in the amount of \$18,880. This is for the construction of two tennis courts at Kenilworth Park and a tennis practice backboard area at Aston Park. Sufficient funds are available under Kenilworth Park and Aston Park.

letter from Chancellor Highsmith indicated that construction of these projects are proposed by 1986. He said although UNC-A is tax exempt, they do bring people to the City and produce development. He said Micro Computers Industries have also indicated an interest in this particular area. He said he felt the City should upgrade utilities to produce development whenever they can.

RALPH BISHOP - SEEKING REDRESS

Mr. Ralph Bishop spoke to Council relative to his right to seek redress from the Council members.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Cole, the meeting adjourned at 6:15 p. m.

Ralph H. Morris
MAYOR

William F. Halloran
CITY CLERK

180

PUBLIC HEARING SCHEDULED - AMENDMENT TO ZONING ORDINANCE - REDUCTION IN FILING
FEE FOR APPEALS TO THE BOARD OF ADJUSTMENT

The City Manager said the staff had conducted a study relative to the elimination or reduction of the \$50.00 filing fee required to bring matters before the Board of Adjustment. He said the fee was originally established to curtail the number and type of appeals brought before the board and was never intended to be a revenue producing source. He said it was conceded that the fee did pose a hardship on some individuals who had legitimate appeals but could not afford the \$50.00. However, some fee should be charged to discourage appeals that obviously would be disapproved and the recommendation was to reduce the fee to \$25.00 to cover the actual cost of advertising the meeting, postage, cost of tapes for recording, xeroxing and secretarial services. He said in order to reduce the fee to \$25.00 the Zoning Ordinance would have to be amended which would require a public hearing and an ordinance.

Councilwoman Price moved to schedule a public hearing for the consideration of an ordinance amending the Zoning Ordinance, Ordinance No. 322, as amended, reducing the filing fee for appeals to the Board of Adjustment to \$25.00 for September 17, 1981. This motion was seconded by Vice-Mayor Morris and carried unanimously.

BUDGET APPROPRIATIONS - SEWER LINE ON WEAVER BLVD. - REED CREEK

The City Manager said in the pre-council meeting he brought to Council's attention a problem with a sewer line on Weaver Boulevard that parallels in Reed Creek. He said there are a number of developers interested in developing land in and around this area. He said the land contains about 75 to 100 acres of potential development. He said it has been determined there is a potential for a \$200,000 Appalachian Regional Commission grant, \$100,000 in Clean Water Bonds, and \$119,000 of Community Development funds which Council has earmarked \$100,000 and the Asheville Revitalization and Economic Development Commission have requested the County of Buncombe to appropriate \$45,000 for this project. He said this will leave the City with a direct outlay of \$50,000 which staff has recommended be appropriated for this project through the Water and Sewer Services Department. He said as much as possible of this amount could be provided through in-kind contributions through engineering services. He said he felt a motion was needed to indicate to the other participants that the City will appropriate \$119,000 in Community Development funds and \$55,000 of city funds, based on the County's funding of \$45,000 and the other funding for this project.

Councilwoman Price moved to appropriate \$119,000 of Community Development funds and \$55,000 of city funds for the Reed Creek project, provided that all other financial resources are available. This motion was seconded by Councilman Wilkes and carried unanimously.

Upon inquiry of Councilman Wilkes, the City Manager said he had letters indicating development of a 65 acre tract programmed for 506 condominium units, adding a maximum of \$50,600,000 to the tax base for the City and County; developer proposing to construct a medical office building on a one and one-half acre tract at a cost of \$300,000; two developers propose a 40 to 50 apartment complex on a four acre tract at a cost of \$1,000,000; developer proposing to construct 85 dwelling units on a 5 acre tract and a letter from UNC-A, Chancellor Highsmith, indicating a new residence hall for 300 students costing \$4,300,000, a new science building at a cost of \$4,000,000 and an administration building at a cost of \$2,000,000. He said the

PUBLIC HEARING - DESIGNATING THE "RICHMOND HILL HOUSE" AS HISTORIC PROPERTY

ORDINANCE NO. 1240 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "RICHMOND HILL HOUSE" LOCATED AT 45 RICHMOND HILL ROAD IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

4. A public hearing was held relative to the adoption of an ordinance designating the "Richmond Hill House" as historic property.

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mrs. Grace Pless, Chairman of the Historic Resources Commission, said the commission would like for the Richmond Hill House to be designated as national historic property.

Richard Thornton, of the Planning Division, read the ordinance and requested that the ordinance be read on three readings today.

Mayor Trantham closed the public hearing at 4:36 p. m.

Councilwoman Price moved for the adoption of Ordinance No. 1240. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1240 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1240. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1240 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1240. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1240 passed on third and final reading.

Complete text of Ordinance No. 1240 will be found in Ordinance Book No. 9 at page 268.

BUDGET AMENDMENT - ANNUAL OPERATING OR CAPITAL PROJECT BUDGET 1981-82 - GENERAL FUND-
FIRE DEPARTMENT - GENERAL REVENUE SHARING - PUBLIC WORKS DEPARTMENT

5. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

Thursday - September 10, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

I. Approval of the minutes of the August 27, 1981 meeting.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, the minutes of the August 27, 1981 meeting were approved as submitted.

REPORT BY CORPORATION COUNSEL - OFFICER HERBERT J. WATTS CASE

2. At the request of Mayor Trantham, the Corporation Counsel reported action taken in the Executive Session of Pre-Council. The Corporation Counsel said "prior to this last week, there was no procedure on appeals for the City Council to follow or the City Manager to follow. The Council has now adopted a procedure in regard to this and under the laws, the Council has the right to make those decisions. These guidelines have been developed and they will be followed in the future and it's the decision of the Council not to appeal the Watt's case. The majority decision."

RESOLUTION NO. 81-204 - RESOLUTION OF APPRECIATION TO WILLIAM E. NORWOOD FOR SERVICES AS A MEMBER AND OFFICER OF THE ASHEVILLE AREA CIVIC CENTER COMMISSION

3. Consideration was given to a resolution of appreciation to William E. Norwood for services as a member and officer of the Asheville Area Civic Center Commission.

The City Manager read the resolution which stated that Mr. William E. Norwood has served on the Asheville Area Civic Center Commission since February, 1977, and held office as Commission Chairman from July, 1979 through June, 1980. He has resigned from the Commission effective September 1, 1981.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-204 was unanimously adopted.

Complete text of Resolution No. 81-204 will be found in Resolution Book No. 13 at page 39.

bid and the medium duty truck the alternate. He said Matthews Motors, Inc. made a legitimate bid on what the City has primarily requested.

Upon inquiry of Vice-Mayor Morris, Mr. David said Matthews Motors would not have bid on the heavy duty truck if it were the primary bid or the alternate,

Upon inquiry of Councilman Wilkes, Mr. Brown said the two bid specifications were in the bid package to obtain a comparison in cost, etc. between the lighter duty and heavier duty trucks.

Upon inquiry of Council, Mr. Brown said the life span of both pieces of equipment would be the same but the maintenance cost would be higher and this is a direct justification for recommending the acceptance of the alternate bid for the heavy duty truck.

David Pruett, Motor Transport Superintendent, discussed the warranties and differences of both the light and heavy duty trucks.

Councilman Wilkes moved to table action on the bids and review the bids during a Council work session. This motion was seconded by Councilman Brownlee.

Mr. David, of Matthews Motors, Inc. said if action is tabled he would withdraw his bid due to time constraints from the factory that would expire prior to the next Council meeting.

Upon inquiry of Mr. David, Mr. Brown said the equipment specified in the primary bid would do the job required but the heavier duty truck would do a better job.

Vice-Mayor Morris said he felt the bid process should have been reversed and the heavy duty equipment put out as a primary bid and the light duty truck as an alternate. He asked Mr. David if Matthews Motors, Inc. could extend their bid for another week.

At this time the bidders present at the meeting were asked to determine how long the bid prices would be available.

Later during the meeting, the City Manager read a note from Mr. Charlie David of Matthews Motors, Inc. indicating that the Ford District Sales office would extend the bid prices through September 17, 1981.

Maxwell Taylor of Sanco Corporation of Winston Salem, N. C., low bidder for the alternate bid of the heavy duty truck, said he was unsuccessful in contacting his factory to determine how long the bid prices could be extended. He said effective Tuesday, September 15, 1981, there would be a nine (9%) percent increase on the truck bodies. He said Sanco Corporation has done business with the City of Asheville for a number of years. He said the City staff has done an extensive research on the comparison of the trucks in question and have found that the difference in the trucks would more than substantiate the difference in the cost. He compared the difference in the trucks. He said more municipalities and companies are going toward fleet standardization. He said a garbage truck used in the mountains needs an engine with a lot of pulling power.

- a) General Fund - Fire Department - To provide funding for contract with Skyland Volunteer Fire Department for fire protection at the Asheville Regional Airport.
- b) General Revenue Sharing - Public Works Department - To reappropriate funds for items approved in the Fiscal Year 1980-81 Budget but not purchased as of June 30, 1981, for the Street and Sanitation Divisions of the Public Works Department.

The City Manager presented the budget amendments.

Vice-Mayor Morris moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

BIDS - REFUSE COLLECTION EQUIPMENT - PUBLIC WORKS DEPARTMENT

6. Consideration was given to the approval of bids submitted on July 20, 1981, for refuse collection equipment.

At the request of the City Manager, Mr. Clark Brown, Director of Public Works, reviewed the particulars of this bid. He said the bid was a dual bid with two sets of specifications. He said this was the second time the bid process has been handled in this manner. He said about two (2) years ago the Department of Public Works was realizing a lot of down time and maintenance on the refuse collection equipment. He said at that time it was decided to take a closer look at the bid specifications. He said this bid is for three (3) trucks. He said there is a difference in the cost of the equipment bid but he felt the savings on the recommended bid would be more than enough to make up the difference in the cost of the equipment. He said the difference between the heavy duty truck and the light duty truck is \$24,000. Therefore, the staff in evaluating the bids did recommend the low alternate bid of Sanco Corporation for the heavy duty truck. He said this is a more costly piece of equipment but more efficient over the life of the equipment.

The City Manager said he had met with Mr. David and representatives of Matthews Motors, Inc. five or six weeks ago. He said a couple of concerns were expressed during the meeting. He said one had to do with businesses that operate in the corporate limits of the City. He said they feel that since they make a contribution to the City through taxes, etc. they should be considered. He said these local businesses a number of times have difficulty in competing with the out of town businesses. He said, on the other hand, the City is in the market of goods and services, and is required by state law to treat everyone equal whether they have a business inside or outside the City Limits. He said his direction to staff, is that whenever the City can do business within the City to do so, but to follow state laws. He said state law also requires the City to do business with the lowest responsive bidder.

Mr. Charlie David of Matthews Motors, Inc. said it upset him as a local businessman, and as an individual, for the City to go out of town to buy anything that can be bought locally, provided the product is competitive and the price is competitive. He said he felt it is an obligation of the City Council to make every effort to do business with local businesses. He said if preference is shown, the local businesses should receive it. He said on this particular bid the City requested bids on a primary bid (medium duty truck) and Matthews Motors, Inc. was the low bidder on the primary bid. He said his contention would be that if the City knew they wanted a heavy duty truck why was it not the primary

Thereupon Councilman H. C. Wilkes introduced in written form the following order authorizing bonds which was read:

ORDINANCE NO. 1242 - ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS
ORDER AUTHORIZING \$18,000,000
REDEVELOPMENT BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding \$18,000,000 for the purpose of providing funds, with any other available funds, to assist the Asheville Housing Authority in the acquisition of land and the improvement thereof in the carrying out by said Authority of the lawful functions and powers of a redevelopment commission of said City.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of Councilman H. C. Wilkes, seconded by Councilman Walter R. Boland, the order entitled: "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS", as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., Mayor Roy M. Trantham.

Nays: None

Thereupon Councilman F. Jack Cole introduced in written form the following resolution which was read:

RESOLUTION NO. 81-205-RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO
PREPARE AND FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Director of Finance be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of debt of the City of Asheville which is required by The Local Government Bond Act, as amended, to be filed after a bond order has been introduced and before the public hearing thereon.

The City Manager said the alternatives Council would be to have a special Council meeting on Tuesday, September 15, 1981 to consider the bids or to rebid the entire bid, or to go ahead and accept, as he would recommend, the staff's recommendation of the low alternate bid of Sanco Corporation for the heavy duty truck.

Councilman Wilkes moved to schedule a special Council meeting on Tuesday, September 15, 1981 at 3: p. m. to consider the approval of bids submitted on July 20, 1981 for refuse collection equipment. This motion was seconded by Councilman Boland and carried unanimously.

ORDINANCE NO. 1241 - ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS

6. Consideration was given to an order authorizing \$22,000,000 Parking Facilities Bonds.

Councilwoman Norma T. Price introduced in written form the following order authorizing bonds which was read:

ORDER AUTHORIZING \$22,000,000 PARKING
FACILITIES BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may nor or hereafter have power or authority to contract, and in evidence thereof to issue Parking Facilities Bonds in an aggregate principal amount not exceeding \$22,000,000 for the purpose of providing funds, with any other available funds, for the construction of additional parking facilities of said City, including the construction of an off-street parking garage, the construction, reconstruction, or installation of related approaches, driveways, sidewalks and utilities and the acquisition of any necessary equipment.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of Councilwoman Norma T. Price, seconded by Vice-Mayor Ralph D. Morris, Jr., the order entitled: "ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS", as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr. and Mayor Roy M. Trantham.

Nays: None

Section 3. That the City Clerk be and he is hereby directed to publish each of said orders, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Citizen-Times not later than the sixth day before the date of said public hearing.

Section 4. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Roy M. Trantham

Mayor

William F. Wolcott, Jr.

City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Walter R. Boland, seconded Councilman F. Jack Cole, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS AND AN ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS AND DIRECTING THE CITY CLERK TO PUBLISH EACH OF SAID ORDERS TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" was passed by the following vote:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., and Mayor Roy M. Trantham.

Nays: None

Thereupon the resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" and the resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS AND AN ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS AND DIRECTING THE CITY CLERK TO PUBLISH EACH OF SAID ORDERS TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolutions his approval of the forms thereof.

Thereupon, upon motion of Councilman Walter R. Boland, seconded by Councilwoman Norma T. Price, the requirement of the Charter of the City of Asheville that ordinances be read on three separate days was dispensed with the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., and Mayor Roy M. Trantham.

Nays: None

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Roy M. Trantham
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman F. Jack Cole, seconded by Councilwoman Norma T. Price, the foregoing resolution entitled "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" was passed by the following vote:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., Mayor Roy M. Trantham.

Nays: None

Thereupon the Director of Finance filed with the City Clerk, in the presence of the Council, the sworn statement of debt as so required, which statement is attached to and made a part of these minutes.

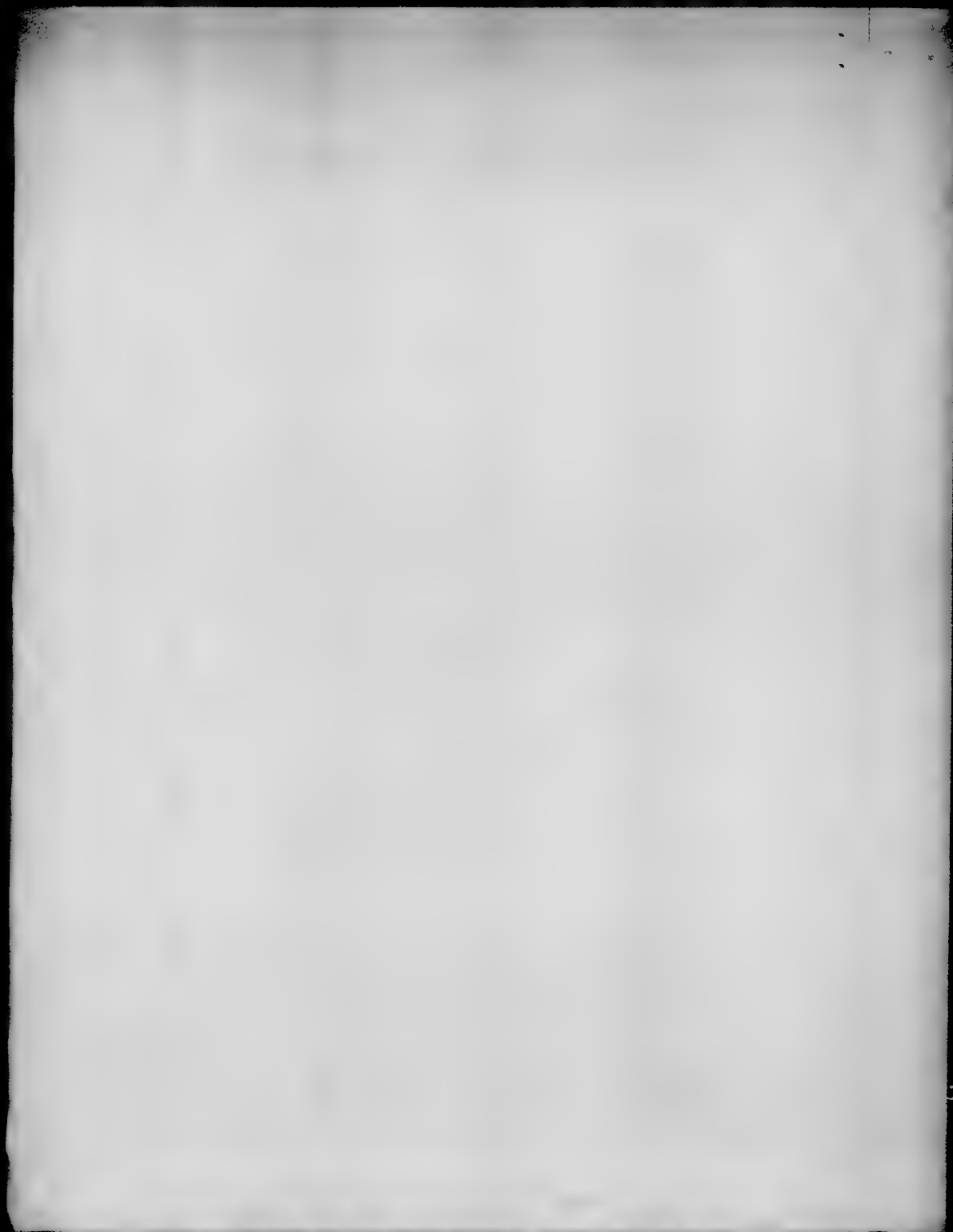
Thereupon Councilman Walter R. Boland introduced in written form the following resolution which was read:

RESOLUTION NO. 81-206 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS AND AN ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS AND DIRECTING THE CITY CLERK TO PUBLISH EACH OF SAID ORDERS TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS" and the order entitled: "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS" shall be held at 4:00 P. M., on September 17, 1981 at the City Hall in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of any of said orders or the advisability of issuing any of said bonds.

Section 2. That said public hearing may be adjourned from time to time.



CITY OF ASHEVILLE, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Larry A. Fisher, Director of Finance of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

<u>Date of Issue</u>	<u>Designation</u>	
July 1, 1936	Assumed Water and Sewer District Debt	\$....-0-.
July 1, 1936	General Refunding	-0-.
July 1, 1936	Water Refunding	-0-.
December 1, 1951	Water Bonds of 1951	..600,000
December 1, 1957	Airport Bonds	-0-.
June 1, 1960	Airport Bonds, Second Series	-0-.
November 1, 1961	Water Bonds of 1961	1,790,000
June 1, 1964	Grade Separation Bonds	..40,000
June 1, 1964	Public Improvement Bonds	..140,000
November 1, 1969	Municipal Vehicle Bonds	-0-.
May 1, 1970	Redevelopment Bonds	..575,000
June 1, 1971	Auditorium and Arts Center Bonds	2,925,000
December 1, 1971	Auditorium and Arts Center Bonds	1,975,000
March 1, 1975	Water Bonds, Series A	2,625,000
March 1, 1975	Parking Bonds	..450,000
March 1, 1976	Water Bonds, Series B	4,475,000 \$15,595,000.

a(2) Bonds authorized by orders introduced on September 10, 1981, but not yet adopted:

Parking Facilities Bonds	\$22,000,000
Redevelopment Bonds	18,000,000 \$40,000,000

a(3) Unissued bonds authorized by adopted orders

\$....-0-..



a(4) Outstanding debt, not evidenced by bonds \$.....-0-....

(a) GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4) \$55,595,000.

(b) DEDUCTIONS

b(1) Funding and refunding bonds authorized by orders introduced but not yet adopted \$.....-0-....

b(2) Funding and refunding bonds authorized but not yet issued \$.....-0-....

b(3) The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes, or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)) or two or more of said purposes \$.....-0-....

b(4) Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes or two or more of said purposes \$ 9,490,000.

b(5) Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G.S. 159-55(b) \$.....-0-....

b(6) Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt \$.....-0-....

b(7) The amount, as estimated by the Director of Finance, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt \$.....-0-....

(b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7) \$ 9,490,000.



(c) NET DEBT

(c) NET DEBT, being the difference
between the GROSS DEBT (a) and the
DEDUCTIONS (b) \$..46,105,000..

(d) APPRAISED VALUE

(d) APPRAISED VALUE of property subject
to municipal taxation before the
application of any assessment ratio,
being the value fixed in 1981 \$..835,605,802..

(e) DEBT RATIO

(e) Percentage which the NET DEBT (c)
bears to the APPRAISED VALUE (d) 5.5%

The foregoing statement is true.

Langell Fisher
Director of Finance of the
City of Asheville, North Carolina

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss.:

Subscribed and sworn to before me this 10th day of
September 1981.

Magdalen Burlington
Notary Public

My commission expires May 6, 1986.

I, William F. Wolcott, Jr., City Clerk of the City of
Asheville, North Carolina, DO HEREBY CERTIFY that the
foregoing is a true copy of a statement which the Director
of Finance filed with me at a meeting of the Council of said
City on September 10, 1981, after the introduction of and
before the public hearing on two orders authorizing bonds of
said City, and that said statement is open to public inspec-
tion in my office.

WITNESS my hand and the corporate seal of said City,
this 12 day of September 1981.

William F. Wolcott Jr.
City Clerk

Verl Emrick, Director of Planning, said he had some severe reservations as to Council's authority to approve the sign permits without amending the Zoning Ordinance. He said these signs, consisting of 640 sq. ft., are only permitted in the Commercial Highway and Commercial Service along certain thoroughfares. He said I-240 is not included in the list of thoroughfares. He said he also questioned whether these signs could comply with the spacing requirements of 1,500 feet in any direction. He said in his opinion the signs would have to be oriented toward the driver on US 70 and not I-240. He said the Board of Adjustment has the authority to grant variances on spacing but has no jurisdiction in waiving the area of thoroughfares.

Don Dawson, of Naegele Outdoor Advertising Company, said it was his company's understanding that when the City of Asheville passed the present zoning ordinance, that when I-240 was opened the Council would consider whether signs would be allowed to be built along I-240. He said he felt his company has a right to request permission to erect the signs on I-240. He said his company has done many promotions for the City and has always been willing to help anyone. He said he felt the signs would provide a service to the citizens of Asheville in a more effective way and the signs will direct people to businesses. He said his company has done much to improve the image of outdoor advertising in the City of Asheville.

Upon inquiry of Councilman Brownlee, Mr. Dawson said the signs will advertise downtown businesses.

Corporation Counsel William C. Moore said he felt he did not have enough information on the signs to make a legal decision on the matter and requested that the matter be postponed a week.

Councilwoman Price said she felt the public should be made aware of the request so comments could be received from the public.

George Gontaro, President of Naegele Outdoor Advertising Company, disagreed with Councilwoman Price, stating that he felt the Council has the right to make the decision on such matters. He said Naegele had made many promises to clean up the City of Asheville, replacing old signs, etc. and has carried out their promises. He said he feels his company is justified in requesting the Council's approval for the signs.

After a brief discussion, Councilman Wilkes moved to continue action on the sign permit requests until September 17, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

Vice-Mayor Morris commented that if the zoning ordinance had to be changed to permit the erection of the signs Council would have to go through the legal process of changing the zoning ordinance and that could not be done next week.

Don Dawson of Naegele Outdoor Advertising Company requested that they be notified of any legal decision made relative to the signs.

Thereupon, upon motion of Councilman F. Jack Cole, seconded by Councilwoman Norma T. Price, the order entitled: "ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilman Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., and Mayor Roy M. Trantham

Nays: None

Thereupon, upon motion of Councilman F. Jack Cole, seconded by Councilman H. C. Wilkes, the order entitled: "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, Vice-Mayor Ralph D. Morris, Jr., and Mayor Roy M. Trantham.

Nays: None

SIGN PERMITS - NAEGELE OUTDOOR ADVERTISING COMPANY - SIGNS ON I-240

10. Consideration was given to the approval of two sign permits for Naegele Outdoor Advertising Company of Spartanburg to be erected on I-240.

The City Manager read the following letter received from Don K. Dawson of Naegele Outdoor Advertising Company:

September 8, 1981

Mr. Ken Michalove
City Manager
City of Asheville
Asheville, N. C.

Re: Sign Permits I-240

Dear Mr. Michalove:

Back in October of 1980, Naegele came before a private meeting with City Council to talk about two sign permits for I-240. It was decided in the work session that the Council would like to look at the locations and consider them at a later date. As of this date, the Council has all looked at the locations and we would like to get these two permits on the agenda on Thursday, September 10, if possible.

Sincerely,

NAEGELE OUTDOOR ADVERTISING
COMPANY OF SPARTANBURG

/s/ Don K. Dawson

Don K. Dawson
Vice Pres./ Real Estate

- E. Approval of bids received Monday, August 31, 1981 for one gasoline powered floor scrubber for the Civic Center.

HIGHLIGHTS: One bid was received. Recommendation of the acceptance of the only bid received by Tennant Company in the amount of \$16,512.00. Sufficient funding is available in the General Revenue Sharing Fund, Civic Center Account Code.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 81-207 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTUARL AGREEMENT WITH THE BLUE RIDGE COMMUNITY MENTAL HEALTH CENTER TO PROVIDE A WIDE RANGE OF MENTAL HEALTH AND RELATED SERVICES TO MEMBERS OF THE ADMINISTRATIVE AND CLASSIFIED SERVICE OF THE CITY OF ASHEVILLE

Consideration was given to a resolution authorizing the City Manager of the City of Asheville to enter into a contractual agreement with the Blue Ridge Community Mental Health Center to provide a wide range of mental health and related services to members of the administrative and classified service of the City of Asheville.

The City Manager read the resolution.

Ralph Bishop requested a copy of the cost of the program for last year.

Larry Thompson, Area Director for the Blue Ridge Community Mental Health Center, gave a brief resume of the program in the past and how it was used by the employees of the City of Asheville.

PUBLIC HEARING SCHEDULED - UDAG NEEDS ASSESSMENT HEARING

The City Manager said he had received a request of the Council from Verl Emrick, Planning Director, to schedule a public hearing regarding the UDAG Needs Assessment Hearing for September 24, 1981. In a memorandum from Mr. Emrick to the City Manager, Mr. Emrick said given the proposal for the Downtown Commercial Project, the Redevelopment Plan which the City Council is to consider, and the financing package, he suggested that City Council hold its series of UDAG application hearings as soon as possible, the first step being the Needs Assessment Hearing.

Councilman Cole moved to schedule a public hearing on the UDAG Needs Assessment Hearing for September 24, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

APPROVAL OF A CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

Ralph Bishop requested that Item A on the consent agenda be considered separately.

- B. Resolution No. 81-208 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the construction of 1825 ± L. F. of six (6) inch ductile iron water line and appurtenances located on Holcombe Cove Road.

HIGHLIGHTS: This right-of-way encroachment agreement with the North Carolina Department of Transportation is for a six-inch ductile iron water line to be constructed on Holcombe Cove Road. Because this line will encroach on the State right-of-way, this agreement is necessary.

Resolution Book No. 13 - page 43.

- C. Resolution No. 81-209 - Resolution accepting Pinespring Drive as a city system street.

HIGHLIGHTS: A petition and request has been received from the developer and residents of Pinedale Subdivision, in Haw Creek, for the City to assume responsibility for the one street in the subdivision known as Pinespring Drive. This street was built to city specifications and approved by the City after construction was completed. The Director of Public Works has inspected the street and recommends it for acceptance as a city system street. The subdivision plat is recorded in the Buncombe County Courthouse in Plat Book 46, page 61.

Resolution Book No. 13 - page 44

- D. Resolution No. 81-210 - Resolution authorizing the closing of Woodley Avenue from 6:00 p. m. until 11:00 p. m. on Saturday, September 19, 1981.

HIGHLIGHTS: The residents of Woodley Avenue are planning a "Neighborhood Party" and through their spokesmen, Barrett and Sally Rudich, have requested the City to close Woodley Avenue during this time. This resolution will authorize the closing of said street for the period of time requested.

Resolution Book No. 13 - page 45

The City Manager presented members of Council with copies of the Redevelopment Plan presented by the Housing Authority and stated that the Redevelopment Plan is a draft and is 97% complete and will be complete by next week.

RESOLUTION NO. 81-211 - RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED BY THE CITY OF ASHEVILLE TO GEORGE W. SMITH, ET AL, AND AUTHORIZING THE CITY CLERK TO RECORD SAID DEED WITH THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the execution of a quitclaim deed by the City of Asheville to George W. Smith, et. al, and authorizing the City Clerk to record said deed with the Register of Deeds for Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Cole, seconded by Councilman Wilkes, Resolution No. 81-211 was unanimously adopted.

Complete text of Resolution No. 81-211 will be found in Resolution Book No. 13 at page 46.

PROCLAMATION - CLEAN UP LITTER - SEPTEMBER 14-18, 1981

Mayor Trantham proclaimed the week of September 14-18, 1981 as "Clean Up Litter" week.

PETITION - REQUESTING THE INSTALLATION OF ADEQUATE LIGHTING - WEST ASHEVILLE DEAVerview BALL FIELD

The City Manager said he had received a petition from parents and others petitioning the City Council to install adequate lighting at the West Asheville Deaverview Field. He said he had accepted the petition on September 1, 1981 and forwarded the petition to the Parks and Recreation Advisory Board for recommendation.

CLAIMS - BILL BARTLETT - JAMES METCALF - PORTER FOWLER - HILLARD WRIGHT - E. F. COLE - JOE HOFFMAN - THOMAS MODGLING - WILLIAM HUTCHISON - ASHEVILLE BOARD OF EDUCATION - AGNES PRESNELL AND WILLIAM CLARK

The City Manager presented claims received from Bill Bartlett, James Metcalf, Porter Fowler, Hillard Wright, E. F. Cole, Joe Hoffman, Thomas Modgling, William Hutchison, Asheville Board of Education, Agnes Presnell and William Clark.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - SEPTEMBER 13 - 19, 1981 - PRINCE HALL MASONIC WEEK

Mayor Trantham proclaimed September 13 - 19, 1981 as Prince Hall Masonic Week.

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PUBLIC HEARING SCHEDULED - REDEVELOPMENT PLAN - ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

The City Manager said the Planning and Zoning Commission, at its meeting of September 9, 1981, reviewed the Redevelopment Plan for the Asheville Downtown Commercial Complex at the request of the Housing Authority of the City of Asheville. After reviewing the plan and listening to public comments on the plan, the Commission voted to recommend approval of the plan to City Council. In keeping with state law on urban renewal projects, the City Council must now hold one formal public hearing on the plan before taking action to approve, amend, or reject the Redevelopment Plan.

Councilman Cole moved to schedule a public hearing relative to the Redevelopment Plan for the Asheville Downtown Commercial Complex for October 1, 1981. This motion was seconded by Councilman Boland and carried unanimously.

The City Manager read the following letter from Larry Holt, Deputy Director of the Housing Authority:

September 10, 1981

City Council
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Re: Asheville Downtown Commercial Complex
Redevelopment Plan

Dear Mayor Trantham and Councilpersons:

On September 8, 1981, the Housing Authority of the City of Asheville adopted and approved a redevelopment plan for the Asheville Downtown Commercial Complex Redevelopment Area. The Housing Authority has submitted the redevelopment plan to the Planning and Zoning Commission of the City of Asheville for review.

The Planning and Zoning Commission has certified its recommendation on the redevelopment plan to the Housing Authority, and the Planning and Zoning Commission has recommended approval of the plan and has approved the plan.

The Housing Authority hereby submits the Asheville Downtown Commercial Complex Redevelopment Plan, a copy of which is enclosed, together with the recommendation of the Planning and Zoning Commission of the City of Asheville, to the City Council of the City of Asheville. The Housing Authority recommends approval of the redevelopment plan to the City Council.

Very truly yours,

HOUSING AUTHORITY OF THE CITY
OF ASHEVILLE

/s/ Lawrence D. Holt, Asst. Sec.

By: David Jones, Jr., Secretary

Tuesday - September 15, 1981- 3:00 p. m.

Special Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen Walter R. Boland, F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF BIDS - SUBMITTED JULY 20, 1981 - REFUSE COLLECTION EQUIPMENT

The City Manager presented a notice stating that the Asheville City Council would hold a special meeting on September 15, 1981 at 3:00 p. m. to consider the approval of bids submitted on July 20, 1981 for refuse collection equipment. No other subject or subjects may be considered. He said all requirements of holding a special meeting have been met.

This matter was carried over from the September 10, 1981 meeting.

The City Manager presented members of Council with copies of the following letter:

MEMORANDUM TO: Ken Michalove
City Manager

FROM: T. Clark Brown *TCB*
Director of Public Works

DATE: September 11, 1981

Ken, as you are aware, I will not be able to attend the City Council Meeting on September 15, 1981 to further discuss the refuse collection equipment bids of July 20, 1981 due to a prior commitment. However, I believe the other members of staff who worked with me on the evaluation of this bid can supply Council with the information they require to make their decision.

However, as the department head responsible for making the decision for recommendation from the input and information of the other members of staff, I would like to take this opportunity to share with you my views and philosophy for this bid and any other bids in which the Department of Public Works is involved.

As I stated in the Council meeting yesterday, there is a precedent for the way this bid was put together.

Approximately two years ago, we were experiencing downtime and maintenance costs for our sanitation refuse collection equipment at a rate we considered far too great. Analysis of the problem showed us weaknesses in our preventative maintenance and major maintenance programs. More important, however, it also showed us that we were also building problems into our equipment in two different areas by the way we wrote our specifications.

The first area was the truck chassis we were specifying:

1. High cost of engine maintenance. The engines written into the specifications were those that could not be rebuilt by our forces but were manufacturer's exchange engines which approximately doubled the cost of engine replacement. The engines specified did not have the reserve (power to the transmission and drive train) reserve for the steep terrain these large volume packer trucks encountered everyday on their collection routes.

STORM DRAINAGE ON McDOWELL STREET - AUTHORITY FOR CITY MANAGER TO NEGOTIATE WITH STATE DEPARTMENT OF TRANSPORTATION

At the request of the City Manager, Councilman Wilkes moved to authorize the City Manager to negotiate with the State Department of Transportation for storm drainage work that needs to be done on McDowell Street in connection with a larger state project being conducted in that area. This motion was seconded by Councilman Cole and carried unanimously.

PROCLAMATION - VICE-MAYOR MORRIS' 32ND WEDDING ANNIVERSARY - SEPTEMBER 10, 1981

Mayor Trantham proclaimed September 10, 1981 as Vice-Mayor Morris' 32nd Wedding Anniversary.

REPORT FROM CITY MANAGER - BROKEN GAS LINE IN OAKLEY AREA

The City Manager said he had received a number of calls relative to the recent broken gas line in Oakley which resulted in evacuation of residents and the Oakley School. He said he has requested that the Chief of Police look into the situation and report his findings back. He said it was his understanding that the Gas Company is also looking into this situation.

FALSE FIRE ALARMS - COMMENTS

Councilwoman Price said she felt like someone should check into the reason for so many false fire alarms.

DOUBLE PARKING - AYCOCK SCHOOL - COMMENTS BY COUNCILWOMAN PRICE

Councilwoman Price requested that the Police Department look into the situation of double parking around Aycock School. She suggested that warning tickets be issued and that the Police Department talk with the PTA of the school to see if something could be worked out to eliminate the danger caused by the double parking around the school. She said the parents are making it dangerous for the children by double parking.

RALPH BISHOP - COMMENTS RELATIVE TO SEEKING REDRESS

Ralph Bishop again appeared before Council relative to his right to seek redress.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 6:35 p. m.

Raymond Trantham
MAYOR

William F. Wolcott
CITY CLERK

PAGE -3-

MEMO: Ken Michalove
City Manager

DATED: September 11, 1981

In closing, I want to compliment the members of staff that worked with me on the evaluation of these bids. Their work was thorough and complete and enabled me to arrive at the decision I did in a logical manner. Speaking for myself, it would have been very easy to have simply recommended the low bid. This would have satisfied the bidding procedure and eliminated any controversy. However, I would have been remiss in my duties and responsibilities if I had not considered all of the information regarding the bids and made my decision based upon what I considered to be in the best interests of the City.

TCB/lp

PAGE -2-

MEMO: Ken Michalove
City Manager

DATED: September 11, 1981

2. High cost of transmission maintenance. The transmissions written into the specifications were those recommended to match the engines. These transmissions were overheating on a regular basis. Again the steep terrain encountered was the major contributing factor.

The specifications developed for the heavier duty truck chassis specified engines with a higher torque reserve and engines that could be rebuilt by City forces. These specifications also included a heavier type transmission with an external oil cooler to eliminate the overheating and resulting failure of the transmissions.

The truck chassis that met the engine and transmission specifications was a heavier chassis than those previously purchased in that they were assembled with heavier axles, springs, etc.

The other change we are making in our purchasing of this type of equipment is to standardize as much as possible between two packer bodies. This assists the Motor Transport personnel so that they have to become familiar with only a limited number of complex hydraulic/mechanical systems so that they can be more proficient in the preventative and major maintenance of the equipment. By standardization we are also able to reduce parts inventories in that one part can fit one of several packer units.

The first purchase we made for heavier duty type of equipment was in June, 1980. We advertised using dual specifications. We did this to enable us to make a comparison of the cost of the equipment of the type we had in our fleet at the time with that of the equipment meeting the new specifications.

This same procedure was used again in the bid letting of July 20, 1981 to again enable us to make these cost comparisons.

I agree that in order to reduce the chance of misunderstanding, the heavier equipment could have been listed as the primary bid with the lighter equipment as the alternate. However, the "preferred" bid could not be determined until after the evaluation and cost comparisons were made.

The Staff will provide you and Council with tangible comparisons such as costs but there is an intangible but equally important aspect that must be considered and that is downtime and the effect that rescheduling because of it has on the level of service we provide our residents.

Councilman Cole called for a voice vote on his motion. The vote passed on a 4-2 vote with Councilwoman Price and Vice-Mayor Morris voting "no."

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the meeting adjourned at 4:30 p. m.

Ray M. Lamm
MAYOR

William F. Volpe
CITY CLERK

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Larry Ward of the Public Works Department, reviewed a chart showing a series of comparisons between the light and heavy duty refuse equipment justifying the Public Works Department's recommendation to accept the low alternate bid for the heavy duty refuse equipment. He said in the life span of the equipment, being ten years, the City would have a savings of \$75,900. He said the low alternate bid for the heavy duty refuse equipment is approximately \$24,000 more than the low primary bid for the light duty refuse truck.

Several members of Council expressed concern about the bid process. They indicated that the primary bid should have been for the heavy duty truck and the alternate bid for the light duty truck as the bid process was misleading to the bidders. They indicated that the bid process should follow that the primary bid should be for what the City really wants to purchase and the alternate bid for what they could afford if they could not afford the primary bid price.

Ted Grable, Purchasing Agent, upon inquiry of the City Manager, said the bid process is not unusual and is an acceptable legal process followed by other purchasing agents in other municipalities. He said no objections or questions relative to the bid process or specifications were received two weeks prior to the bid opening.

A lengthy discussion was held relative to the concerns of Council relative to the manner in which the bid process was handled.

Mr. David, of Matthews Motors, Inc., the low bidder for the primary bid, reiterated comments made during the September 10, 1981 discussion of the awarding of the bids. He said he felt that the staff should have made their extensive research on the equipment prior to letting the bids. He said he felt the research was conducted after he voiced his objections. He said local businesses could assist the Purchasing Agent in making decisions on bid specifications.

After discussion, the City Manager said the policy in the future for letting bids would be that the primary bid would consist of exactly what the City would like to purchase and the alternate bid would consist of what the City can afford to purchase.

Upon inquiry of the City Manager, the Corporation Counsel said in his opinion the City could not limit who they send out bid invitations to and must meet the state statute in accepting the lowest responsive bidder.

Mr. David said the comparisons made by Mr. Ward do not satisfy him as the City has been using the lighter duty truck for years and the equipment has been doing the job required.

After discussion, Councilman Cole moved to award the bid of the refuse collection equipment, received on July 20, 1981, to the low bidder for the primary bid, being Matthews Motors, Inc. This motion was seconded by Councilman Wilkes.

The City Manager noted that regardless of when the comparison was made it would be his recommendation to Council, based on the statistics, to either accept the staff's recommendation of accepting the low bid on the alternate bid for the heavy duty truck or rebid the entire bid, even though there will be a price increase in the equipment.

Section 1. The City of Asheville, North Carolina (the "City") is considering a proposal for the redevelopment of a portion of the downtown area of said City (the "project").

Section 2. In accordance with said proposal, the City is in the process of authorizing \$22,000,000 Parking Facilities Bonds and \$18,000,000 Redevelopment Bonds. If said bonds are approved by the voters of the City at a referendum thereon and issued, then said bonds would constitute general obligations of the City, the faith and credit of the City would be pledged to the payment of the principal of and the interest on said bonds and taxes would be levied in an amount sufficient to pay said principal and interest.

Section 3. Pursuant to said proposal, it is expected that the City would acquire land and construct thereon additional parking facilities of the City. If the City is selected as the redeveloper of the remaining part of the project pursuant to said proposal, then it is expected that the City would also acquire land for redevelopment purposes, and, as a part of such redevelopment, lease such land to a developer pursuant to a lease agreement.

Section 4. The Council expects that any non-tax revenues that would be realized by the City from the project and that would be deemed to constitute revenues of said parking facilities will be applied, in accordance with G. S. 159-47(a), as follows before they are applied to any other purpose; firstly, to pay the operating, maintenance and capital outlay expenses of said parking facilities, secondly, to pay when due the principal of and the interest on said Parking Facilities Bonds, and, thirdly, to pay when due the principal of and the interest on said Redevelopment Bonds. The Council also expects that any non-tax revenues that would be realized by the City from the project but that would not be deemed to constitute revenues of said parking facilities will be applied to pay when due the principal of and the interest on said Parking Facilities Bonds and said Redevelopment Bonds before they are applied to any other purpose. To the extent that such revenues are realized by the City in excess of the parking, maintenance and capital outlay expenses of said parking facilities and are so applied by the City, the amounts of tax revenues or other revenues that the City would be required to apply to pay the principal of and the interest on said bonds would be decreased.

Section 5. This resolution is not to be deemed to create any pledge of or lien on any revenues realized by the City from the project.

Section 6. This resolution shall take effect 15 days from the date of passage hereof.

Ralph D. Morris, Jr.

Vice-Mayor

William F. Wolcott, Jr.

City Clerk

Approved as to form:

William C. Moore

Corporation Counsel

Thursday - September 17, 1981 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Ralph D. Morris, Jr., Presiding; Councilwoman Norma T. Price, Councilmen Walter E. Boland, F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham

INVOCATION

The invocation was given by Councilman Walter R. Boland.

PUBLIC HEARING ON "SUGARTREE DEVELOPMENT" IN KENILWORTH NOT TO BE SCHEDULED- ANNOUNCEMENT

Vice-Mayor Morris announced that Council would not, at today's meeting, schedule a public hearing relative to the "Sugartree" apartment complex in Kenilworth. He said the agenda calls for the scheduling of the hearing, however, Council members prefer to delay action on the Sugartree project until Council receives a report from the Planning and Zoning Commission relative to the request to rezone property in Kenilworth. He said the rezoning matter is still pending in the Planning and Zoning Commission.

APPROVAL OF MINUTES - REGULAR MEETING OF SEPTEMBER 10, 1981

1. Consideration was given to the approval of the minutes of the September 10, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the September 10, 1981 meeting were approved as submitted.

APPROVAL OF MINUTES - SPECIAL MEETING OF SEPTEMBER 15, 1981

2. Consideration was given to the approval of the minutes of the September 15, 1981 meeting.

Upon motion of Councilman Boland, seconded by Councilwoman Price, the minutes of the September 15, 1981 meeting were approved as submitted.

RESOLUTION NO. 81-212 - RESOLUTION AS TO APPLICATION OF ANY NON-TAX REVENUES DERIVED BY THE CITY OF ASHEVILLE FROM THE PROPOSED REDEVELOPMENT OF A PORTION OF THE DOWNTOWN AREA OF SAID CITY

3. Councilman H. C. Wilkes introduced in written form the following resolution which was read:

RESOLUTION AS TO APPLICATION OF ANY NON-TAX
REVENUES DERIVED BY THE CITY OF ASHEVILLE
FROM THE PROPOSED REDEVELOPMENT OF A PORTION
OF THE DOWNTOWN AREA OF SAID CITY

BE IT RESOLVED by the Council of the City of Asheville as follows:

Janet Splitzer, residing on Cumberland Circle, who appeared in person, stated that UDAG funds could be used to improve the existing businesses downtown.

The City Manager responded that the City of Asheville needs an economic stimuli and the proposed project anticipates an additional \$782,000 in ad valorem taxes alone. He noted in the event the City needs additional bonds for utilities or general obligation bonds in the future, the City is still in a position to obtain the bonds, in addition to the proposed general obligation bonds.

Malcombe McLearn, residing on Hendersonville Road, who appeared in person and asked if the City has an amortization schedule for the general obligation bonds for the taxpayers including principal and interest.

The City Manager responded that the Local Government Commission has an amortization schedule for the bonds for twenty years at ten or ten and one-half (10-10½%) percent interest, however, the Council's intent is not to have the taxpayer's pay anything.

James Hunter, residing at 8 Maplewood Road, who appeared in person and spoke in favor of the project. He said UDAG funds could be used to further the development of downtown in addition to the proposed project. He said UDAG funds have already been used for downtown improvements.

Don Mayer, residing at 61 N. Liberty Street, who appeared in person, asked what source of information would be furnished to the citizens to show that the project would be an economic stimuli to the City.

The City Manager said the main source of information is the size and value of the proposed project. He said retail market studies have been and will be done. He reiterated a portion of the "safeguards" mentioned earlier in the meeting.

Vice-Mayor Morris also commented that the developer would not be interested in constructing the project if it is not viable.

Don Mayer said he feels there is a native distrust in the proposed developer.

Ralph Bishop, residing in the City of Asheville, who appeared in person stated his objection to the proposed bond issue. He said he did not feel the citizens of Asheville have enough information about the project to make a decision on the issue.

Margaret Muller said the project is also setting up an incredible electricity demand upon the City for the future and there is presently an energy shortage. She said the City is not making use of their present resources by going ahead with the project.

Vice-Mayor Morris closed the public hearing at 5:55 p. m.

All of the foregoing statements were duly considered by the Council.

079

Upon motion of Councilman H. C. Wilkes, seconded by Councilman Walter R. Boland, the foregoing resolution entitled: "RESOLUTION AS TO APPLICATION OF ANY NON-TAX REVENUES DERIVED BY THE CITY OF ASHEVILLE FROM THE PROPOSED REDEVELOPMENT OF A PORTION OF THE DOWNTOWN AREA OF SAID CITY" was passed by the following vote:

Yeas: Councilman Walter R. Boland, F. Jack Cole, Harold F. Brownlee, H. C. Wilkes, Councilwoman Norma T. Price, and Vice-Mayor Ralph D. Morris, Jr.

Nays: None

Thereupon the resolution entitled: "RESOLUTION AS TO APPLICATION OF ANY NON-TAX REVENUES DERIVED BY THE CITY OF ASHEVILLE FROM THE PROPOSED REDEVELOPMENT OF A PORTION OF THE DOWNTOWN AREA OF SAID CITY" was authenticated by the signatures of the Vice-Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

PUBLIC HEARING - ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS AND AN ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS

4. The Vice-Mayor announced that this was the date and hour fixed by the Council for the public hearing upon the orders entitled: ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS" and "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS" and that the Council would immediately hear anyone who might wish to be heard on the questions of the validity of said orders or the advisability of issuing said bonds.

Vice-Mayor Morris opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public setting the time and date for the hearing and the affidavit of publication.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said orders or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said questions had been received.

EXCEPT:

Margaret Muller, residing at 63 Cumberland Avenue, who appeared in person to question what "safeguards" the City is taking to protect the taxpayer's of the City in the event the proposed project fails.

The City Manager responded to Ms. Muller by reading a list of 19 proposed protections and other related matters which was released by the City at the August 27, 1981 City Council meeting. He also stated more information relative to the project would become available and released to the citizens for their information.

Ms. Muller stated that since Council members are representatives of the City they should make sound decisions and decide whether the project is worthwhile. She said the legal process that Council is taking appears that Council is endorsing the project and not letting the citizens fully decide the issue.

Upon inquiry of Ms. Muller as to whether the City would pursue the proposed project if the referendum fails, Councilman Cole responded that that decision would have to be made depending upon a number of circumstances.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Roy M. Trantham
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

The vote upon the final passage of said order was:

Ayes: Councilmen Walter R. Boland, F. Jack Cole, Harold F.

Brownlee, and Councilwoman Norma T. Price, and Vice-Mayor Ralph D. Morris, Jr.

Noes: NONE

The Vice-Mayor then announced that the order entitled:

"ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS" had been adopted.

ORDINANCE NO. 1242 - AN ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS

Thereupon, upon motion of Councilman F. Jack Cole,

seconded by Councilman ^{woman} Norma T. Price and carried, the

following order, which had been introduced and passed on first and second readings on September 10, 1981, was read a third time and placed upon its final passage:

ORDER AUTHORIZING \$18,000,000
REDEVELOPMENT BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to

Councilman Wilkes was excused from the meeting at this time

Thereupon, upon motion of Councilman ^{woman} ~~Norma T. Price~~ ~~Book~~ _____,
seconded by Councilman Walter R. Boland and carried, the
following order, which had been introduced and passed on
first and second readings on September 10, 1981, was read a
third time and placed upon its final passage:

ORDER AUTHORIZING \$22,000,000 PARKING
FACILITIES BONDS

BE IT ORDERED by the Council of the City of Asheville:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Parking Facilities Bonds in an aggregate principal amount not exceeding \$22,000,000 for the purpose of providing funds, with any other available funds, for the construction of additional parking facilities of said City, including the construction of an off-street parking garage, the construction, reconstruction or installation of related approaches, driveways, sidewalks and utilities and the acquisition of any necessary equipment.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

The City Clerk was thereupon directed to publish each of the foregoing orders, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Asheville Citizen-Times.

Thereupon Councilman Walter R. Boland introduced in written form the following resolution which was read:

RESOLUTION NO. 81-213 RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M., on Tuesday, November 3, 1981, at which there shall be submitted to the qualified voters of the City of Asheville the questions stated in the notice of special bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Buncombe County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the registrars, judges and other officers of elections appointed by the County Board of Elections of Buncombe County for the several precincts and voting places in said City shall be the election officers for such precincts and voting places and (iii) the precincts and voting places shall be those fixed by the

217

issue Redevelopment Bonds in an aggregate principal amount not exceeding \$18,000,000 for the purpose of providing funds, with any other available funds, to assist the Asheville Housing Authority in the acquisition of land and the improvement thereof in the carrying out by said Authority of the lawful functions and powers of a redevelopment commission of said City.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Roy M. Trantham

Mayor

William F. Wolcott, Jr.

City Clerk

Approved as to form:

William C. Moore

Corporation Counsel

The vote upon the final passage of said order was:

Ayes: Councilmen Walter R. Boland, F. Jack Cole, Harold F.

Brownlee, and Councilwoman Norma T. Price, and Vice-Mayor Ralph D. Morris, Jr.

Noes: NONE

The Vice-Mayor then announced that the order entitled: "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS" had been adopted.

2.

Shall the order adopted on September 17, 1981, authorizing not exceeding \$18,000,000 Redevelopment Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, to assist the Asheville Housing Authority in the acquisition of land and the improvement thereof in the carrying out by said Authority of the lawful functions and powers of a redevelopment commission of said City, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

Each of the questions hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Asheville.

For said referendum the regular registration books for elections in the County of Buncombe will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 8:30 A.M. until 5:00 P.M. on Monday to Friday, inclusive, of each week at the office of the County Board of Elections located in the County Courthouse Annex at 189 College Street in Asheville, North Carolina.

Registration applications will also be accepted by and qualified persons may also register with the registrars and the judges of elections designated by the County Board of Elections for the several precincts in the City by appointment at their residences.

County Board of Elections of Buncombe County as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The County Board of Elections of Buncombe County is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice to be published in The Asheville Citizen-Times once at least fourteen days before October 5, 1981 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond referendum will be held between 6:30 A.M. and 7:30 P.M., on Tuesday, November 3, 1981, at which there will be submitted to the qualified voters of the City of Asheville the following questions:

1.

Shall the order adopted on September 17, 1981, authorizing not exceeding \$22,000,000 Parking Facilities Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for the construction of additional parking facilities of said City, including the construction of an off-street parking garage, the construction, reconstruction or installation of related approaches, driveways, sidewalks and utilities and the acquisition of any necessary equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

Any qualified voter of the City who is qualified to vote by absentee ballot in said special bond referendum may apply to the County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot should contact the County Board of Elections of Buncombe County at the office of said Board mentioned above.

The registration books for elections in Buncombe County will be open to inspection by any registered voter of the City during the normal business hours of the County Board of Elections on the days when the office of said Board is open prior to the close of the registration books, and such days are challenge days.

The registrars, judges and other officers of elections appointed by the County Board of Elections of Buncombe County will serve as the election officers for said referendum.

The County Board of Elections of Buncombe County will conduct said referendum.

The precincts and the voting places for said referendum, subject to change as provided by law, are as follows:

201

In addition, registration applications will be accepted by and qualified persons may register with two special registration commissioners designated by the County Board of Elections at such times and places as may be agreed upon with said commissioners.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Those residents of the City who have not voted in either of one of the two most recent successive presidential elections or in any other election conducted in the period between said two elections will not be considered to be registered under Buncombe County's permanent registration system.

Those residents of the City who are presently registered under Buncombe County's permanent registration system and who have not changed residence from one precinct to another since their registration will be permitted to vote in the special bond referendum, provided that removal from one precinct to another shall not deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal.

The last day for new registration of those not now registered under Buncombe County's permanent registration system is Monday, October 5, 1981.

The last day on which registered voters who have changed residence from one precinct to another may transfer registration is Monday, October 5, 1981.

Section 4. The form of the questions to appear in the ballot frames of the voting machines to be used at said referendum shall be substantially as follows:

PARKING FACILITIES BONDS

YES NO

Shall the order adopted on September 17, 1981, authorizing not exceeding \$22,000,000 Parking Facilities Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for the construction of additional parking facilities of said City, including the construction of an off-street parking garage, the construction, reconstruction or installation of related approaches, driveways, sidewalks and utilities and the acquisition of any necessary equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

REDEVELOPMENT BONDS

YES NO

Shall the order adopted on September 17, 1981, authorizing not exceeding \$18,000,000 Redevelopment Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, to assist the Asheville Housing Authority in the acquisition of land and the improvement thereof in the carrying out by said Authority of the lawful functions and powers of a redevelopment commission of said City, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The form of the paper ballots to be used at said referendum shall be substantially as follows:

<u>Precinct</u>	<u>Voting Place</u>
Asheville #1	City Hall - 1st Floor
Asheville #2	William Randolph School
Asheville #3	Claxton School
Asheville #4	North Asheville Community Center
Asheville #5	Jones School
Asheville #6	East Asheville Community Center
Asheville #7	Newton School
Asheville #8	Biltmore School
Asheville #9	Murphy Community Center
Asheville #10	Livingston Community Center
Asheville #11	South French Broad High School
Asheville #12	Hall Fletcher School
Asheville #13	Ace Appliance, 444 Haywood Road
Asheville #14	Aycock School
Asheville #15	Vance School
Asheville #16	West Asheville Community Center
Asheville #17	Unitarian Church, 1 Edwin Place

William D. Britt
Chairman of County Board of Elections
of Buncombe County

William F. Wolcott
City Clerk
of the City of Asheville

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the County Board of Elections of Buncombe County within three days after the adoption hereof.

Section 6. This resolution, being a resolution directing administrative action, shall take effect immediately.

Ralph D. Morris, Jr.
Vice- Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Thereupon, upon motion of Councilman Walter R. Boland, seconded by Councilman F. Jack Cole, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

Ayes: Councilmen Walter R. Boland, F. Jack Cole, Harold P. Brownlee, and Councilwoman Norma T. Price, and Vice-Mayor Ralph D. Morris, Jr.

Noes: NONE

Thereupon the orders entitled: "ORDER AUTHORIZING \$22,000,000 PARKING FACILITIES BONDS" and "ORDER AUTHORIZING \$18,000,000 REDEVELOPMENT BONDS" and the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" were authenticated by the signatures of the Mayor and the City Clerk, and Corporation Counsel endorsed upon said orders and said resolution his approval of the forms thereof.

OFFICIAL BALLOT
SPECIAL BOND REFERENDUM
CITY OF ASHEVILLE, NORTH CAROLINA

November 3, 1981

Instructions

1. To vote in favor of an order make a cross (X) mark in the square to the right of the word "YES".
2. To vote against an order make a cross (X) mark in the square to the right of the word "NO".
3. If you tear or deface or wrongly mark this ballot, return it and get another.

1.

	.....	Shall the order adopted on September 17,
YES	.....	1981, authorizing not exceeding \$22,000,000
	.....	Parking Facilities Bonds of the City of
	.....	Asheville, North Carolina, for the purpose
	.....	of providing funds, with any other avail-
	.....	able funds, for the construction of
	.....	additional parking facilities of said City,
NO	.....	including the construction of an off-street
	.....	parking garage, the construction, recon-
	.....	struction or installation of related ap-
	.....	proaches, driveways, sidewalks and utilities
	.....	and the acquisition of any necessary equip-
	.....	ment, and authorizing the levy of taxes in
	.....	an amount sufficient to pay the principal
	.....	of and the interest on said bonds, be
	.....	approved?

2.

	.....	Shall the order adopted on September 17,
YES	.....	1981, authorizing not exceeding \$18,000,000
	.....	Redevelopment Bonds of the City of Asheville,
	.....	North Carolina, for the purpose of providing
	.....	funds, with any other available funds, to
	.....	assist the Asheville Housing Authority in
	.....	the acquisition of land and the improvement
NO	.....	thereof in the carrying out by said Authority
	.....	of the lawful functions and powers of a
	.....	redevelopment commission of said City, and
	.....	authorizing the levy of taxes in an amount
	.....	sufficient to pay the principal of and the
	.....	interest on said bonds, be approved?

[Facsimile of signature]
Chairman of County Board of Elections
of Buncombe County

Councilman Brownlee moved to approve the sale of the Disposal Parcels as recommended by the Housing Authority. This motion was seconded by Councilman Cole and carried unanimously.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT - GENERAL FUND - FINANCE DEPARTMENT

10. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

- a) Community Development - to transfer \$2,000 from Magnolia Park Project to Deaverview Park Project to cover the cost of fencing work.
- b) Community Development - to provide additional funds in the amount of \$19,000 to the Water/Sewer-ARC Match Grants Project for the Reed Creek Sewer Line.
- c) General Fund - Finance Department - The City of Asheville has been awarded a grant by the N. C. Department of Crime Control and Public Safety in the amount of \$72,000. This will establish a capital project for CJIS Phase III within the operational budget.

The City Manager presented the budget amendments.

Councilman Brownlee moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Cole and carried unanimously.

APPROVAL OF CONSENT AGENDA

11. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to rezoning property located on Louisiana Avenue at the request of Harold Talbert, agent for property owners, for October 8, 1981.

HIGHLIGHTS: The Planning and Zoning Commission, at its meeting held on September 9, 1981, reviewed a request of Harold Talbert, Agent for property owners, that Ward 6, Sheet 17, Lots 84, 70-3/4, 70, and 86 (property located on Louisiana Avenue) be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. The Commission recommended that the request be approved by the City Council.

287

PUBLIC HEARING - AMENDING ZONING ORDINANCE -REDUCING FILING FEE FOR APPEALS
TO BOARD OF ADJUSTMENT

ORDINANCE NO. 1243 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN
ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

8. A public hearing was held relative to amending the Zoning Ordinance relative to reducing the filing fee for appeals to the Board of Adjustments.

Vice-Mayor Morris opened the public hearing at 6:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager read the ordinance.

Vice-Mayor Morris closed the public hearing at 6:23 p. m.

Councilwoman Price moved for the adoption of Ordinance No. 1243. This motion was seconded by Councilman Cole.

On a roll call vote of 5-0, Ordinance No. 1243 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1243. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1243 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1243. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1243 passed on third and final reading.

Complete text of Ordinance No. 1243 will be found in Ordinance Book No. 9 at page 273.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

9. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

The City Manager presented the recommendation of the Housing Authority who has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
39	Residential	2,800	3,300	Sarah Jean Aiken
178-B	Residential	3,000	3,050	Mr. & Mrs. A. J. Ward

Upon motion of Councilman Cole, seconded by Councilwoman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 81-214 - RESOLUTION AMENDING RESOLUTION NO. 80-158 ENTITLED "A RESOLUTION ESTABLISHING RULES AND PROCEDURES FOR THE ASHEVILLE CITY COUNCIL- RELATIVE TO APPEALS - SETTLEMENTS - USE OF CORPORATE COUNSEL"

Consideration was given to a resolution amending Resolution No. 80-158, entitle "A resolution establishing rules and procedures for the Asheville City Council.

The City Manager read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-214 was unanimously adopted.

Complete text of Resolution No. 81-214 will be found in Resolution Book No. 13 at page 55-56.

CLAIMS - ROBERT GIBBONS - EUNICE GAMBLE

The City Manager presented claims received from Robert Gibbons and Eunice Gamble.

Vice-Mayor Morris referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-215 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN IN BEHALF OF THE CITY A CONTRACT FOR SERVICES PROVIDED BY THE NORTH CAROLINA POLICE INFORMATION NETWORK TO THE CITY OF ASHEVILLE POLICE DEPARTMENT

Consideration was given to a resolution authorizing the Mayor to sign in behalf of the City a contract for services provided by the North Carolina Police Information Network to the City of Asheville Police Department.

The City Manager read the resolution.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-215 was unanimously adopted.

Complete text of Resolution No. 81-215 will be found in Resolution Book No. 13 at page 57.

PETITION - RESIDENTS OF MILLBROOK ROAD AND WESTWOOD PLACE - NUISANCE AND HEALTH HAZARD CREATED BY DOGS AT 183 WESTWOOD PLACE AND 104 TREMONT

The City Manager presented a petition received from residents of Millbrook Road and Westwood Place requesting the City to investigate the continued nuisance and health hazard created by the dogs kept by Robert Livingston at 183 Westwood Place and Gennett Shook at 104 Treamount, and to take whatever action is available to them to cause the owners to remove the nuisance and health hazard.

Councilman Cole moved that the City Manager be directed to investigate the petition. This motion was seconded by Councilwoman Price and carried unanimously.

- B. Scheduling of a public hearing relative to rezoning property located at 22 Broad Street at the request of Ronald S. Butler for October 15, 1981.

HIGHLIGHTS: The Planning and Zoning Commission, at its meeting held on September 9, 1981, reviewed a request of Ronald S. Butler that Ward 2, Sheet 4, Lot 13-1/2 (property located at 22 Broad Street) be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. The Commission recommended that the request be approved by the City Council.

- C. Scheduling of a public hearing relative to an ordinance providing for the temporary suspension of the extraterritorial jurisdiction in the area generally known as Beaverdam Valley for October 8, 1981.

HIGHLIGHTS: The City of Asheville by the authority granted in G. S. 160A-360 is exercising its extraterritorial zoning power in a large portion of the Beaverdam Valley in order to provide an orderly growth pattern for the area. The Buncombe County Board of Commissioners has caused the creation of the Beaverdam Community Council for the express purpose of developing a compatible comprehensive plan for the entirety of the Beaverdam Valley. The Beaverdam Community Council has adopted a zoning ordinance and presented same to the Buncombe County Board of Commissioners, the Asheville City Council, and the Asheville Planning and Zoning Commission along with a request that the Asheville City Council consider relinquishing its extraterritorial jurisdiction in Beaverdam Valley. The Planning and Zoning Commission has reviewed the zoning proposal and submitted its recommendations to the Asheville City Council. The proposed ordinance will declare that for a period not to exceed eighteen (18) months from the effective date of the adoption of an ordinance providing for the zoning of the Beaverdam Valley by the Buncombe County Board of Commissioners, the City of Asheville will for said period of time temporarily suspend the enforcement of the zoning ordinance in the area generally described as the Beaverdam Valley. Further that the temporary suspension of the zoning ordinance is conditioned upon the following: 1) the passage of an ordinance providing for the zoning controls by the Buncombe County Board of Commissioners for the Beaverdam Valley, 2) that a member of the Planning and Zoning Commission and a member of its staff be appointed by City Council to the Beaverdam Community Council as liaison for the City of Asheville to report to City Council monthly the overall effectiveness of the Beaverdam Ordinance in promoting the orderly growth of the valley. The ordinance further proposes that at the end of the eighteen (18) month period, the Planning and Zoning Commission will make a final report to City Council as to the advisability of permanently suspending the City's extraterritorial jurisdiction within the area. The City Council may at any time during the eighteen (18) month period reinstate its extraterritorial jurisdiction if it finds that the Beaverdam zoning is not functional and protecting the interest of the Beaverdam Community and the City of Asheville. The effective date of the proposed ordinance will be upon the date the Buncombe County Commissioners passes and effectuates an ordinance providing for the zoning of the Beaverdam Valley.

Thursday, September 24, 1981 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham; Vice-Mayor Ralph D. Morris, Jr.; Councilwoman Norma T. Price; Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Consideration was given to the approval of the minutes of the September 17, 1981, meeting.

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the minutes of the September 17, 1981, meeting were approved as submitted.

PUBLIC HEARING - URBAN DEVELOPMENT ACTION GRANTS

2. A public hearing was held to receive public comments and suggestions of project proposals for the preparation of a Urban Development Action Grant.

Mayor Trantham opened the public hearing at 4:04 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also noted that HUD regulations require the legal notice to be published in a non-legal section of the paper and he presented that affidavit as well.

Mr. Verl Emrick, Director of Planning, said that this particular hearing is to accept proposals for Council's consideration of specific projects for consideration of applying for UDAG funds. He said the only application received to date has been Strouse-Greenberg in the amount of \$15,000,000. He said that applications will be taken between now and October 8, 1981 (the date Council can authorize the Mayor to submit specific applications).

Mr. Ralph Bishop spoke in opposition of the proposed Strouse-Greenberg mall.

Mayor Trantham closed the public hearing at 4:11 p.m.

Mr. Emrick advised the Council that a motion was needed to set a public hearing authorizing the Mayor to cause to be prepared a full application to the Department of Housing and Urban Development for a UDAG grant as per previously agreed schedule.

Councilman Cole moved to schedule a public hearing on October 8, 1981, to receive public comment on the UDAG application and to consider a resolution authorizing the Mayor to cause to be prepared a full application to the Depart-

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Brownlee,
the meeting adjourned at 6:50 p. m.

Raym. Harrison
MAYOR

William F. Wolcott
CITY CLERK

Councilwoman Price moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

BIDS - BULK SODIUM CHLORIDE FOR SNOW AND ICE CONTROL - PUBLIC WORKS DEPARTMENT

6. Consideration was given to the approval of bids submitted September 16, 1981, for Bulk Sodium Chloride for snow and ice control.

The City Manager explained that three bids were received, all of which were responsive to the City's specifications. He said that the Director of Public Works and the Purchasing Director recommend the acceptance of the low bid submitted by Diamond Crystal Salt Company in the amount of \$10,500.

Councilman Wilkes moved to award the bid to Diamond Crystal Salt Company in the amount of \$10,500. This motion was seconded by Councilman Brownlee and carried unanimously.

SIGN PERMITS - NAEGELE OUTDOOR ADVERTISING COMPANY - SIGNS ON U S HIGHWAY 74- I-240

Consideration was given to the approval of two sign permits for Naegele Outdoor Advertising Company of Saprtanburg to be erected on U S Highway 74 and I-240.

Mr. Lem Moore, Assistant Director of Inspections, said one of the signs is to be erected behind K-Mart, zoned CH being a 672 square foot sign, and one sign is to be erected on the knoll beyond Old Fairview Road, zoned Industrial. This zone allows two 300' sign panels, however, the company indicated that they desired a 672 square foot single panel sign and would go to the Board of Adjustments for approval of same. He said the signs are within 600 feet of a limited access highway requiring the approval of Council.

Councilman Wilkes moved to approve the sign permits for Naegele Outdoor Advertising Company. This motion was seconded by Councilman Brownlee.

Vice-Mayor Morris moved to amend the motion to approve the sign permits for Naegele Outdoor Advertising Company clarifying the fact that both signs would be 672 square foot single panel signs. This motion was seconded by Councilman Wilkes and carried on a 5-2 vote, with Councilman Boland and Councilwoman Price voting "no."

Councilman Wilkes then moved to approve the sign permits for Naegele Outdoor Advertising Company on US Highway 74 and I-240, as amended. This motion was seconded by Councilman Brownlee and carried on a 5-2 vote, with Councilman Boland and Councilwoman Price voting "no."

PROCLAMATION - SEPTEMBER 25, 1981 - CHEF TELL DAY

Mayor Trantham proclaimed Friday, September 25, 1981 as "Chef Tell Day" in the City of Asheville.

PROCLAMATION - OCTOBER 4-10, 1981 - FIRE PREVENTION WEEK

Mayor Trantham proclaimed the week of October 4-10, 1981, as "Fire Prevention Week" in the City of Asheville.

CLAIMS - JAMES JACKSON - VICTOR SLOAN - EDWARD GARNER - G. E. COOPER

The City Manager presented the weekly claims and lawsuits report.

ment of Housing and Urban Development for a UDAG grant as per previously agreed schedule. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 81-216 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE STATE OF NORTH CAROLINA FOR STATE WATER BOND FUNDS

3. Consideration was given to a resolution authorizing the filing of an application with the State of North Carolina for State Water Bond Funds.

The City Manager read the resolution explaining that the City of Asheville has a need for and intends to construct improvements in its wastewater collection system consisting of approximately 3893 lineal feet of 12-inch sewer line and 4675 lineal feet of 20-inch sewer line along with all necessary appurtenances along Reed Creek.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-216 was unanimously adopted.

Complete text of Resolution No. 81-216 will be found in Resolution Book No. 13 at page 58.

RESOLUTION NO. 81-217 - RESOLUTION AUTHORIZING THE MAYOR TO EXTEND FOR THIRTY DAYS A FIRE PROTECTION AGREEMENT WITH THE VETERANS ADMINISTRATION HOSPITAL

4. Consideration was given to a resolution authorizing the Mayor to extend for thirty days a fire protection agreement with the Veterans Administration Hospital.

The City Manager read the resolution explaining that City staff and VA Hospital staff are in the process of negotiating a new contract and this resolution would extend the present contract until October 31, 1981 until negotiations are complete.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-217 was unanimously adopted.

Complete text of Resolution No. 81-217 will be found in Resolution Book No. 13 at page 60.

BUDGET AMENDMENTS - FACILITY SERVICES - VARIOUS CITY DEPARTMENTS

5. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects budgets as follows:

- a) Facility Services - Reappropriation of Fiscal Year 1982 money budgeted for Fiscal Year 1981 in the amount of \$61,150 for replacement of windows on the 7th Floor of City Hall.
- b) Various Departments - \$536,425 will be allocated to the city's divisions to cover the cost of the 5% schedule adjustment granted by City Council effective July 1, 1981. Money was appropriated by city council in the General Fund's Non-Department-wide account to cover the cost of the adjustment.

The City Manager presented the budget amendments.

Complete text of Resolution No. 81-20 will be found in Resolution Book 13 at page 63.

REFUND OF CONTRIBUTIONS MADE TOWARD THE STUDY OF THE DOWNTOWN COMMERCIAL COMPLEX

The City Manager said that several months ago the City received contributions from 13 contributors for the downtown commercial complex study. The contributions amounted to \$15,100, \$5,100 which has been spent. He requested a motion from the Council to return, on a pro rata basis, to each of the contributors the amount of \$10,000 remaining in that fund. The following is a list of the contributions of "Committee of 36."

Downtown Commercial Complex Study

<u>Agency</u>	<u>Contribution</u>	<u>Pro Rata Refund</u>
Central Asheville Association	\$ 500.00	\$ 331.00
Akzona, Inc.	2,000.00	1,325.00
NCNB	2,000.00	1,325.00
Wachovia Bank	2,000.00	1,325.00
Scenic Property Associates	100.00	66.00
First Citizens Bank & Trust	500.00	331.00
Asheville Federal Savings & Loan	1,000.00	662.00
The Biltmore Company	1,000.00	662.00
Carolina Power & Light Company	2,000.00	1,325.00
Liberty Realty Company	250.00	165.00
Northwestern Bank	750.00	496.00
Southern Bell Telephone Company	1,000.00	662.00
Greater Charlotte Foundation, Inc.	2,000.00	1,325.00
TOTAL	<u>\$ 15,100.00</u>	<u>\$10,000.00</u>

Councilman Brownlee made a motion to return, on a pro rata basis, to each of the contributions the amount of \$10,000 remaining in that fund. This motion was seconded by Councilman Wilkes and carried unanimously.

RALPH BISHOP

Mr. Ralph Bishop, a resident of the City of Asheville, made a suggestion to sell Riverside Cemetery.

Upon inquiry of his questions relative to parking lots, he was referred to Mr. Larry Ward in the Public Works Department.

In response to his questions to Councilwoman Price relative to the City Hall ramp, she said that the ramp work was in the planning stages.

ADJOURNMENT

Upon motion of Councilman Brownlee, seconded by Councilman Wilkes, the meeting adjourned at 4:43 p.m.

Ray M. Harrison
MAYOR

William R. Holsinger
CITY CLERK

5

Mayor Trantham referred the report to the Corporate Counsel for his investigation and recommendation.

RESOLUTION NO. 81-218 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-07 BETWEEN THE UNITED STATES OF AMERICA ACTING THROUGH THE FAA AND THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE

Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of a grant agreement for Project No. 6-37-0005-07 between the United States of America acting through the FAA and the City of Asheville and the County of Buncombe.

The City Manager read the resolution explaining that the application was made to the Federal Aviation Administration on August 14, 1981, for the installation of an Engine Generator with Enclosure and the Acquisition of Snow Removal Equipment at the Asheville Regional Airport.

Upon motion of Councilman Cole, seconded by Councilwoman Price, Resolution No. 81-218 was unanimously adopted.

Complete text of Resolution No. 81-218 will be found in Resolution Book No. 13 at page 61.

RESOLUTION NO. 81-219 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF AMENDMENT NO. 2 TO GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-04 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA

Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of Amendment No. 2 to grant agreement for Project No. 6-37-0005-04 between the United States of America and the City of Asheville, North Carolina.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-219 was unanimously adopted.

Complete text of Resolution No. 81-219 will be found in Resolution Book No. 13 at page 62.

RESOLUTION NO. 81-220 - RESOLUTION AUTHORIZING QUITCLAIM DEED OF UTILITY RIGHT OF WAY ON PLAT BOOK 38 AT PAGE 20, BUNCOMBE COUNTY REGISTRY

Consideration was given to a resolution authorizing quitclaim deed of utility right of way on Plat Book 38 at Page 20, Buncombe County Registry.

The City Manager read the resolution explaining that this resolution would authorize a quitclaim deed conveying all right, title and interest the City may have in and to a 10-foot utility right of way to developer Mark A. Carlson.

Upon motion of Councilman Boland, seconded by Councilwoman Price, Resolution No. 81-220 was unanimously adopted.

Upon inquiry of Councilman Brownlee, a discussion was held relative to the need for the adoption of the Redevelopment Plan. It was noted that the citizens of Asheville, on November 3, 1981, would actually vote on this plan and they needed a plan to vote upon.

Councilman Wilkes noted that Council, after approval of the plan and the referendum, would still have to make a decision of whether or not to issue the \$40,000,000 in bonds.

Councilman Cole said approval of the Redevelopment Plan is a formality and does not indicate Council's approval or endorsement of the proposed project.

Larry Holt said there is a state requirement that the Redevelopment Plan be approved prior to the referendum. He said the plan can be amended in the future.

Sarah Long spoke in opposition to the proposed project of Strouse-Greenberg.

John Burnham, of Melrose Avenue, asked at what point in time could the City not pull out of the project.

In answer to Mr. Burnham, the City Manager responded at any time prior to the issuance of the bonds, the City could not go through with the project, if City Council is not completely satisfied with all the arrangements. He said a decision will be made by Council prior to acquisition, demolition or relocation of existing businesses.

Mr. Burnham said he was not opposed to the referendum but was opposed to the mall project. He cited such reasons as, twenty-four residents would have to be removed from the area, the City needs to conserve energy, and water problems, for his opposition to the project. He said he felt the project would be "downtown destruction" rather than "downtown revitalization."

Margaret Muller, of 63 Cumberland Circle, said she felt Council was endorsing the project by approving all the matters relative to the proposed project. She said a copy of all plans and reports relative to the project should be placed in the Library for public review. She said the area of electricity consumption for the proposed project should be addressed. She said the heart of Asheville's business district is being destroyed by an out-of-town business.

Jim Hunter of 8 Maplewood Road, a member of the "Committee of 36" endorsing the proposed project said the Committee has set up a series of debates for both sides of the bond issue. He said he would encourage all citizens to listen to the debates as he felt they would be very informative.

Ralph Bishop spoke in opposition to the proposed project.

Robert Carr of 47 Greenleaf Circle said he also feels Council is endorsing the project by its actions. He said Council may find in the future that their present actions will get the City of Asheville in trouble.

Upon inquiry of Mr. Carr, the City Manager said there were many protections for the City of Asheville being built into the project, but the "bottom line", if everything fails, would be that the taxpayers would have to pay the bond debt, because the tax base must be used as security. He said there is no financial obligation to the proposed developer, at this time, if the City decides not to pursue the issue. He said there was originally a "memorandum of understanding" with Strouse

Thursday - October 1, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Councilwoman Norma T. Price; Councilmen Walter R. Boland, Harold F. Brownlee, F. Jack Cole and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Ralph D. Morris, Jr.

INVOCATION

Councilman H. C. Wilkes introduced Dr. E. D. Dixon from the Tabernacle Baptist Church in Greensboro South Carolina, who gave the invocation.

APPROVAL OF THE MINUTES

1. Consideration was given to the approval of the minutes of the September 24, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the September 24, 1981 meeting were approved as submitted.

PUBLIC HEARING - REDEVELOPMENT PLAN FOR THE ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

RESOLUTION NO. 81-221 - RESOLUTION CONSIDERING THE ADOPTION OF THE REDEVELOPMENT PLAN FOR THE ASHEVILLE DOWNTOWN COMMERCIAL PROJECT AND THE AMENDMENT OF THE CONCEPTUAL PLAN FOR THE DOWNTOWN IMPROVEMENT DISTRICT

2. A public hearing was held relative to the Redevelopment Plan for the Asheville Downtown Commercial Complex.

Mayor Trantham opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and two affidavits of publication.

Verl Emrick, Planning Director, presented the City Clerk with letters from the Housing Authority, indicating that the Redevelopment Plan had been available for public review in their office since August 28, 1981; the Planning and Zoning Commission and Asheville Revitalization, indicating that the Plan had been available for public review in their office since August 31, 1981; and a letter from the City Clerk indicating that the Plan had been available for public review in that office since September 10, 1981.

Larry Holt, Deputy Executive Director of the Housing Authority, presented members of Council with copies of the Redevelopment Plan for the Asheville Downtown Commercial Complex. He reviewed the contents of the plan which had been approved by the Asheville Housing Authority and the Planning and Zoning Commission.

John Reid, a member of the Asheville Tree Commission, spoke in support of the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-223 was unanimously adopted.

Complete text of Resolution No. 81-223 will be found in Resolution Book No. 13 at page 67-68.

RESOLUTION NO. 81-224 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR PROPERTY ON PATTON AVENUE TO DAVID J. YOUNG

5. Consideration was given to a resolution authorizing the Mayor to execute a quitclaim deed for property on Patton Avenue to David J. Young.

The City Manager read the resolution stating that David J. Young, through his attorney, Alfred G. Adams, has requested that the City of Asheville execute a quitclaim deed for property on Patton Avenue, known as Lot 8 as shown on plat recorded in Plat Book 1, at Page 24, of the Buncombe County, N. C. Register's Office which is located north of the right of way of Patton Avenue as relocated. The City of Asheville has no interest in this property and this resolution will authorize the Mayor to execute a quitclaim deed to David J. Young.

Upon motion of Councilman Boland, seconded by Councilman Wilkes, Resolution No. 81-224 was unanimously adopted.

Complete text of Resolution No. 81-224 will be found in Resolution Book No. 13 at page 69.

APPROVAL OF THE CONSENT AGENDA

6. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City Staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-225 - Resolution appointing member to the Asheville Area Civic Center Commission.

HIGHLIGHTS: Mr. Bill Norwood has resigned as a member of the Asheville Area Civic Center Commission. This resolution will appoint Dr. Walter R. Boland as a member of the Commission effective December 4, 1981 to serve the unexpired term of Mr. Bill Norwood, which term expires June 30, 1982.

Resolution Book No. 13 - page 70

Greenberg relative to financial obligations but that agreement is no longer in effect.

The City Manager noted that long term leases, enough to cover the bond debt, would be signed with anchor stores prior to the issuance of the bonds.

Mayor Trantham closed the public hearing at 6:05 p. m.

Verl Emrick, Director of Planning, read the resolution.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-221 passed on a voice vote of 5-1, with Councilman Brownlee voting "no."

Complete text of Resolution No. 81-221 will be found in Resolution Book No. 13 at page 64-65.

RESOLUTION NO. 81-222 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE CARROLL AVENUE ACQUISITION

3. Consideration was given to a resolution authorizing condemnation of property in the Carroll Avenue acquisition.

The City Manager read the resolution stating that the City of Asheville has executed a contract with the Housing Authority of the City which requires the Housing Authority to provide acquisition and relocation services to the City. The Housing Authority has caused all properties in the Carroll Avenue Acquisition Project to be appraised by a competent real estate appraiser. It is necessary for the Housing Authority to condemn the properties in the Carroll Avenue Project due to disagreement on price on Parcels 1 and 4 and title problems on Parcels 2 and 3.

Larry Holt, Deputy Executive Director of the Housing Authority, reviewed the locations of the parcels in question and said the Housing Authority had offered a fair market value for the parcels based on independent appraisers.

Upon motion of Councilman Boland, seconded by Councilman Cole, Resolution No. 81-222 was unanimously adopted.

Complete text of Resolution No. 81-222 will be found in Resolution Book No. 13 at page 66.

RESOLUTION NO. 81-223 - RESOLUTION CONCERNING THE ADOPTION OF THE TREE PLAN FOR THE CITY OF ASHEVILLE

4. Consideration was given to a resolution concerning the adoption of the tree plan for the City of Asheville.

The City Manager read the resolution stating that the Asheville City Council established the Asheville Tree Commission as an advisory commission to Asheville Parks and Recreation Department and charged it with the responsibility of developing a systematic tree planting and maintenance program for the City of Asheville. The Asheville Tree Commission has for the past three years been evolving a street tree program for the downtown area. The tree plan has been reviewed by the local public utilities and they have approved the plan. This resolution will adopt the tree plan and reaffirm a commitment to the importance of trees in the City of Asheville.

PROCLAMATION - OCTOBER 4-10, 1981 - "HIRE THE HANDICAPPED"

Mayor Trantham proclaimed the week of October 4-10, 1981 as "Hire the Handicapped Week."

CLAIMS - MARY MORGAN - JULIA GARREN

The City Manager presented claims received from Mary Morgan and Julia Garren.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - OCTOBER 5-11, 1981 - "PRODUCTIVITY IMPROVEMENT WEEK"

Mayor Trantham proclaimed the week of October 5 - 11, 1981 as "Productivity Improvement Week."

AUTHORIZATION TO BID ON HOUSE IN OPEN CUT (I-240) AREA

The City Manager said the North Carolina Department of Transportation is now finalizing work on the Open-Cut (I-240). He said the N. C. DOT has been using a house in the area for an office building and the City of Asheville has water lines in that area. He said N.C. DOT proposes to dispose of the house and he requested authority to bid \$1.00 to the N.C. DOT for the house to be disposed of to protect the city's water lines.

Councilman Cole moved to authorize the City Manager to bid \$1.00 for the house used by N.C. DOT as an office during construction of the Open Cut. This motion was seconded by Councilwoman Price and carried unanimously.

REPORT - ABSTRACT OF VOTES CAST AT THE DEMOCRATIC PRIMARY - SEPTEMBER 22, 1981

The City Manager presented a report from the Buncombe County Board of Elections consisting of an abstract of votes cast at the Democratic Primary on September 22, 1981. The abstract of votes will be on file in the Office of the City Clerk.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Councilman Wilkes, the meeting adjourned at 6:40 p. m.

Wayne Trantham
MAYOR

William F. Holcott
CITY CLERK

- B. Resolution No. 81-226 - Resolution appointing member to the Western North Carolina Regional Air Pollution Board.

HIGHLIGHTS: Mrs. Sandra P. (Jones) Byrd has resigned as a member of the Western North Carolina Regional Air Pollution Board. This resolution will appoint Mrs. Shirley Turner (Mrs. Robert T. Turner) as a member of the Board to serve the unexpired term of Mrs. Byrd, which term expires March 20, 1984.

Resolution Book No. 13 at page 71

- C. Resolution No. 81-227 - Resolution reappointing member to the Asheville-Buncombe Insurance Advisory Committee.

HIGHLIGHTS: Ms. Helen A. Powers term as a member of the Asheville Buncombe Insurance Advisory Committee expires on October 1, 1981. This resolution will reappoint Ms. Powers to the Committee to serve for a term of four (4) years, term expiring October 1, 1985.

Resolution Book No. 13 at page 72.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 81-228 - RESOLUTION APPROVING ECONOMIC DEVELOPMENT STRATEGY AND IMPROVEMENTS FOR THE DEPOT STREET AREA, PURSUANT TO ORDINANCE 1207 AS AMENDED AND RESOLUTION 81-193 APPROVING THE ECONOMIC DEVELOPMENT PROGRAM FOR THE CITY OF ASHEVILLE FOR 1981-82

Consideration was given to a resolution approving economic development strategy and improvements for the Depot Street Area, pursuant to Ordinance 1207 as amended and Resolution 81-193 approving the Economic Development Program for the City of Asheville for 1981-82.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-228 was unanimously adopted.

Complete text of Resolution No. 81-228 will be found in Resolution Book No. 13 at page 73.

Mayor Trantham requested that the residents of Depot Street be informed of action taken by Council and what action will be taken in the Depot Street area.

LETTERS RELATIVE TO BILLBOARDS IN OPEN-CUT (I-240)-SIXTH GRADE OF ST. GENEVIES/GIBBONS HALL SCHOOL

The City Manager presented thirty-one (31) letters received from students in the Sixth Grade at St. Genevies/Gibbons Hall School relative to billboards being placed in the Open-Cut (I-240) area. A majority of the letters opposed billboards being placed in this location.

Councilman Wilkes then moved to approve the sign permits for Naegele Outdoor Advertising Company on US Highway 74 and I-240, as amended. This motion was seconded by Councilman Brownlee and carried on a 5-2 vote, with Councilman Boland and Councilwoman Price voting "no."

This motion was seconded by Councilman Wilkes and carried unanimously.

RECOGNITION OF CHIEF BALL AND BILL DEBRUHL - FIRE RATING FOR THE CITY OF ASHEVILLE

The City Manager read a letter from the Insurance Services Offices of North Carolina indicating that the City of Asheville has achieved a Class 3 fire rating. He said formally the City of Asheville had a class 4 rating and the new classification will result in a decrease in fire insurance rates for many insured commercial properties within the City. These rates will go into effect on November 1, 1981. He recognized Chief Ball and Mr. DeBruhl for their efforts in the City of Asheville obtaining the class 3 rating.

Chief Ball noted that the City of Asheville has had a class 4 rating for over thirty years and it was significant that the rating has been changed to a class 3.

PUBLIC HEARING SCHEDULED - REZONING OF KENILWORTH AREA

Councilman Cole moved to schedule a public hearing relative to rezoning property in the Kenilworth area for November 5, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

PUBLIC HEARING SCHEDULED - SITE PLAN OF "SUGARTREE" APARTMENTS

Councilman Wilkes moved to scheduled a public hearing relative to a site plan of the proposed "SugarTree" Apartment Complex to be located west of Kenilworth Road and south of Diggs Road for November 5, 1981. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - UDAG APPLICATION

RESOLUTION NO. 81-229 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THROUGH THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

2. A public hearing was held relative to a UDAG application and to consider a resolution authorizing the Mayor to cause to be prepared a full application to the Department of Housing and Urban Development for a UDAG grant.

Mayor Trantham opened the public hearing at 4:27 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Department of Housing and Urban Development also requires that the notice be published as a non-legal advertisement. He said this requirement was met.

Thursday - October 8, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Vice-Mayor Ralph D. Morris, Jr.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 1, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the October 1, 1981, meeting were approved as submitted.

AMENDMENTS TO MINUTES OF SEPTEMBER 24, 1981, COUNCIL MEETING

In order to clarify the minutes of the September 24, 1981, meeting, Councilman Boland moved to amend page 234 of the minutes of the September 24, 1981, meeting relative to sign permits for Naegele Outdoor Advertising Company to be located on US 74- 1-240 as follows:

SIGN PERMITS - NAEGELE OUTDOOR ADVERTISING COMPANY - SIGNS ON U S HIGHWAY 74- 1-240

Consideration was given to the approval of two sign permits for Naegele Outdoor Advertising Company of Spartanburg to be erected on U S Highway 74 and 1-240.

Mr. Lem Moore, Assistant Director of Inspections, said one sign is to be erected behind K-Mart, zoned CH being a 672 square foot sign, and one sign is to be erected on the knoll beyond Old Fairview Road, zoned Industrial. This zone allows two 300' sign panels, however, the company indicated that they desired a 672 square foot single panel sign and would go to the Board of Adjustments for approval of same. He said the signs are within 600 feet of a limited access highway requiring the approval of Council.

Councilman Wilkes moved to approve the sign permits for Naegele Outdoor Advertising Company. This motion was seconded by Councilman Brownlee.

Vice-Mayor Morris moved to amend the motion to approve the sign permits for Naegele Outdoor Advertising Company clarifying the fact that both signs would be 672 square foot single panel signs. This motion was seconded by Councilman Wilkes and carried on a 5-2 vote, with Councilman Boland and Councilwoman Price voting "no."

Peter Winslow of 288 Kenilworth Road questioned whether or not the UDAG funds will be approved.

In response to Mr. Winslow Vice-Mayor Morris said if the UDAG funds are not approved by the Department of Housing and Urban Development a decision will have to be made by the City Council at that time as to whether or not to continue with the project.

Mr. Winslow said that he felt the voters should be educated about the proposed issue.

Andrea Austin spoke in opposition to the proposed Asheville Downtown Commercial Complex.

Mr. Bruce Hart asked Council if they were studying an alternative if the referendum fails on November 3, 1981. He asked if Council would be willing to work with several local businesses for a project rather than a large corporation such as Strouse-Greenberg.

The City Manager said the Council has in the past three years worked with local businesses in obtaining UDAG grants in improvements to downtown. He said five business locations had been improved with UDAG funding.

It was noted that Council would be willing to work with local businesses for UDAG grants. It was also indicated that the Economic Development Department is now working with local businesses for improvements to downtown.

Wayne Caldwell with the Save Downtown Asheville group asked if Council had contacted HUD relative to using UDAG funds for the \$40,000,000 needed rather than issuing bonds.

Mayor Trantham closed the public hearing at 5:15 P.M.

Verl Emrick read the resolution.

Upon motion of Councilman Cole, seconded by Vice-Mayor Morris, Resolution No. 81-229 was unanimously adopted.

Complete text of Resolution No. 81-229 will be found in Resolution Book No. 13 at page 74 and 75.

Councilman Wilkes said that he would like to meet with the local downtown business groups to discuss the possibilities of redeveloping areas in the downtown.

Councilman Boland said that Council should consider alternatives if the Strouse-Greenberg project fails.

PUBLIC HEARING - REZONING PROPERTY LOCATED ON LOUISIANA AVENUE AT THE REQUEST OF HAROLD TALBERT, AGENT FOR PROPERTY OWNERS

3. A public hearing was held relative to rezoning property located on Louisiana Avenue at the request of Harold Talbert, agent for property owners, from R-3 Medium Density Residential District to CH Commercial Highway District.

Mr. Emrick gave a general description of the grant application. He said the UDAG application is designed to provide leverage in financing of private dollars in investment. He said the grant funds are non returnable to the federal government. He said all funds would come back to the City of Asheville for future developments.

Councilman Cole said this action is a formality that Council must take in order to provide for the referendum on November 3, 1981, relative to the issuing of the bonds. He said this action does not indicate Council's approval or disapproval of the bond issue.

Mr. Emrick said the UDAG grant is an intergral part of the financing package. He said the application to the Department of Housing and Urban Development will not be submitted until after the November 3, 1981, referendum.

Upon inquiry of Councilman Wilkes, Mr. Emrick said if the referendum fails Council will have to make a decision whether or not to proceed with the proposed project. He said that he personally did not feel that the project could go through without the UDAG grant.

Mr. Joe Lowrance, with Strouse-Greenberg Company, developer of the project, reviewed the location of the proposed project. He said the project includes three department stores, 100 to 115 speciality shops, and a convention hotel. He said the complex has the potential for an office building. He said the Strouse-Greenberg Company has been working with the City of Asheville for a long time and has progressed very well with the project. He said he felt the proposed project offers an opportunity for the City of Asheville to redevelop the area. He requested favorable action by the Council on the UDAG grant.

Mr. Emrick said the Planning Department and the Community Development Department will be preparing the application for the UDAG grant through the Department of Housing and Urban Development.

Wesley Potter of Kenilworth Road questioned whether the UDAG grant was contingent upon the bond issue.

Upon inquiry of Councilman Cole, Mr. Delany said that \$175,000,000 will be cut from the UDAG funds. He said it is very important that the City of Asheville get a workable program to submit for a grant application and it was also important to submit the application as soon as possible as projects from all across the country will be submitting their proposed projects. He said he felt the Strouse-Greenberg project is a very competitive project.

Upon inquiry of Councilman Boland, Mr. Emrick said if the referendum fails the UDAG funds could be applied to the Strouse-Greenberg project.

In response to Councilman Cole, Mr. Lowrance said that revenue bonds are not feasible at this time.

Ralph Bishop spoke in opposition to the approval of the UDAG application.

Planning and Zoning Commission and a member of its Community Council as liaison for the City of Asheville to report to City Council monthly the overall effectiveness of the Beaverdam Ordinance in promoting the orderly growth of the valley. The ordinance further proposes that at the end of the eighteen (18) month period, the Planning and Zoning Commission will make a final report to City Council as to the advisability of permanently suspending the City's extraterritorial jurisdiction within the area. The City Council may at any time during the eighteen (18) month period reinstate its extraterritorial jurisdiction if it finds that the Beaverdam zoning is not functional and protecting the interest of the Beaverdam Community and the City of Asheville. The effective date of the proposed ordinance will be upon the date the Buncombe County Commissioners passes and effectuates an ordinance providing for the zoning of the Beaverdam Valley.

Mr. Emrick said the Buncombe County Commissioners and the Beaverdam Planning Council has agreed with the Planning and Zoning Commission's recommendation.

George Hyler, Chairman of the Beaverdam Planning Council said that he felt the ordinance was a very workable compromise with the Planning and Zoning Commission.

Mayor Trantham closed the public hearing at 5:35 P.M.

Mr. Emrick read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1244. This motion was seconded by Councilman Wilkes.

On a roll call vote of 7-0, Ordinance No. 1244 passed on first reading.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING OR CAPITAL PROJECTS BUDGET

5. Consideration was given to budget amendments amending the City of Asheville Annual Operating or Capital Projects Budget as follows:

- A. Water Fund - This budget amendment in the amount of \$63,070 is to reappropriate funding from the fiscal 1980-81 budget to fiscal 1981-82 for the Water and Sewer Operating Department Radio Replacement Program.
- B. General Fund - This budget amendment in the amount of \$4,000 is to provide funding for professional services for clear proceeds litigation.
- C. Revenue Sharing Trust Fund - Facility Services Division - This budget amendment in the amount of \$3,000 is to increase appropriation for 7th floor window replacement program which was previously approved by budget amendment 9-8.
- D. General Fund - Police Department - This budget amendment in the amount of \$18,150 is to reinstate a police sergeant position not budgeted for 1981-82.

Mayor Trantham opened the public hearing at 5:25 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the petitioner Mr. Harold Talbert was not in attendance at the Council meeting and since Council had questions relative to his petition he would recommend that the public hearing be continued until October 15, 1981.

Councilman Boland moved to continue the public hearing until October 15, 1981, without further advertisement. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING - ORDINANCE PROVIDING FOR THE TEMPORARY SUSPENSION OF THE EXTRATERRITORIAL JURISDICTION IN THE AREA GENERALLY KNOWN AS BEAVERDAM VALLEY

ORDINANCE NO. 1244 - AN ORDINANCE PROVIDING FOR THE TEMPORARY SUSPENSION OF THE EXTRATERRITORIAL JURISDICTION IN THE AREA GENERALLY KNOWN AS THE BEAVERDAM VALLEY

4. A public hearing was held relative to an ordinance providing for the temporary suspension of the extraterritorial jurisdiction in the area generally known as Beaverdam Valley.

Mayor Trantham opened the public hearing at 5:28 P.M.

Verl Emrick, Director of Planning, presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick said the City of Asheville by the authority granted in G. S. 160A-360 is exercising its extraterritorial zoning power in a large portion of the Beaverdam Valley in order to provide an orderly growth pattern for the area. The Buncombe County Board of Commissioners has caused the creation of the Beaverdam Community Council for the express purpose of developing a compatible comprehensive plan for the entirety of the Beaverdam Valley. The Beaverdam Community Council has adopted a zoning ordinance and presented same to the Buncombe County Board of Commissioners, the Asheville City Council, and the Asheville Planning and Zoning Commission along with a request that the Asheville City Council consider relinquishing its extraterritorial jurisdiction in Beaverdam Valley. The Planning and Zoning Commission has reviewed the zoning proposal and submitted its recommendations to the Asheville City Council. The proposed ordinance will declare that for a period not to exceed eighteen (18) months from the effective date of the adoption of an ordinance providing for the zoning of the Beaverdam Valley by the Buncombe County Board of Commissioners, the City of Asheville will for said period of time temporarily suspend the enforcement of the zoning ordinance in the area generally described as the Beaverdam Valley. Further that the temporary suspension of the zoning ordinance is conditioned upon the following: 1) the passage of an ordinance providing for the zoning controls by the Buncombe County Board of Commissioners for the Beaverdam Valley, 2) that a member of the

relative to the drought conditions. He said the committee had requested that the entire Council consider this resolution.

A discussion was held relative to item no. 1 in the resolution which stated that "the Director of Water and Sewer Services upon approval by the City Council shall have the authority to either reduce said water flow or completely stop the same to any water customer based on the availability of water." Vice-Mayor Morris suggested that the resolution be tabled for one week giving the public an opportunity to review the resolution.

Councilwoman Price moved to table the resolution until October 15, 1981, and requested that the public be notified of the resolution. This motion was seconded by Councilman Cole and carried unanimously.

ORDINANCE NO. 1245 - AN ORDINANCE REVISING REGULATIONS OF WATER USE DURING DROUGHT OR EMERGENCY CONDITIONS

9. Consideration was given to revising ordinance provision regarding regulations of water use during drought or emergency conditions.

The City Manager read the ordinance. He noted the main revisions being made to the original ordinance. He said one of the main revisions would be that Bee Tree Lake would be used when the North Fork Reservoir reaches a level of 20' below spillway instead of 30'. He said under phase 3 of the ordinance Bee Tree Lake is also being added.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1245. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1245 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to second reading of Ordinance No. 1245. This motion was seconded by Councilman Cole and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1245 passed on second reading.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-231 - Scheduling of a public hearing relative to amending Section 8-29 (B) 7 of Chapter 8 of the Code of

The City Manager presented the budget amendments.

Vice-Mayor Morris moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Brownlee and carried unanimously.

SIGN PERMIT - DAVID WEST - 29 MONTFORD AVENUE

6. Consideration was given to a sign permit for David West to be located at 29 Montford Avenue.

David West a candidate for City Council said he has applied for a temporary wall sign permit to be located at 29 Montford Avenue for political purposes. The sign must be removed within ten (10) days after November 3, 1981. The sign will be located within 600 ft. of a limited access highway which requires approval of Council.

A discussion was held relative to additional political signs being requested and the waiving of the provision in the zoning ordinance whereby Council must approve all signs located within 600' of a limited access highway. The Corporation Counsel said that he did not think that Council has the legal authority to waive that provision and all requested signs should be considered on an individual basis.

Councilman Brownlee moved to approve the sign permit for David West at 29 Montford Avenue. This motion was seconded by Councilman Boland and carried unanimously.

RESOLUTION NO. 81-230 - RESOLUTION FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ASHEVILLE AND SROUSE-GREENBERG

7. Consideration was given to a resolution for a memorandum of understanding between the City of Asheville and Strouse-Greenberg.

The City Manager read the resolution stating that the memorandum of understanding with Strouse-Greenberg is similar to the original agreement. He outlined the details of the agreement.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-230 was unanimously adopted.

Complete text of Resolution No. 81-230 will be found in Resolution Book No. 13 at page 76.

RESOLUTION NO. _____ - RESOLUTION DECLARING THAT THE CITY OF ASHEVILLE HAS NO SURPLUS WATER AND ESTABLISHING A POLICY ON ISSUING PERMITS

8. Consideration was given to a resolution declaring that the City of Asheville has no surplus water and establishing a policy on issuing permits.

The City Manager read the resolution stating that the Water Committee had met on Tuesday, October 6, 1981, and received information

Resolution Book No. 13 at page 79.

- D. Resolution No. 81-234 - Resolution authorizing the Mayor to execute a right-of-way agreement with the Southern Railway Company concerning an 8" sewer pipe line.

HIGHLIGHTS: This encroachment agreement with Southern Railway Company is for the sewer line which will be constructed on the Emma Road sewer line construction which is in the new annexation area. This construction has made it necessary for the sewer line to encroach on Southern Railway property.

Resolution Book No. 13 at page 80.

- E. Resolution No. 81-235 - Resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

HIGHLIGHTS: The Motor Transport Division of the City of Asheville has approximately 150 used tires for which the City has no use. Article 12 of Chapter 160A of North Carolina General Statute provides that a municipality may dispose of personal property valued at less than \$5,000 for any one item or group of similar items through private negotiation and sale. This resolution will authorize the Motor Transport Superintendent to dispose of the property identified by private sale at a negotiated price.

Resolution Book No. 13 at page 81.

- F. Resolution No. 81-236 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Buncombe Construction Company for the project known 7th Floor Replacement Window Replacement City Hall Building.

HIGHLIGHTS: The City Council has established a capital project to replace certain windows on the 7th floor of the City Hall Building. Buncombe Construction Company is the lowest qualified bidder for this project. This resolution will authorize the Mayor to enter into an agreement with Buncombe Construction Company for this project.

Resolution Book No. 13 at page 82.

- G. Resolution No. 81-237 - Resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.

Ordinances entitled "enforcement, powers of code enforcement officer" for October 29, 1981.

HIGHLIGHTS: It has been determined that Greensboro found that it would cost more than 60% of the fair market value to bring one of their houses into conformity with the housing code. That being so, they said it could not be repaired and must be demolished. The owner appealed. An opinion was rendered by Justice I. Beverly Lake who said "provided a house can be repaired, the owner must be given a reasonable opportunity to repair it no matter how much it cost to do the work." It has been recommended that our housing code be amended to comply with this decision. The proposed amendment would be inserted in Section 8-29 (B) 7 of the housing code: "No such ordinance shall be adopted to require demolition of a dwelling after the owner has first been given a reasonable opportunity to bring it into conformity with the standards of fitness set forth herein in Section 8-22, provided the dwelling can be repaired so as to comply with said standards of fitness."

Resolution Book No. 13 at page 77.

- B. Resolution No. 81-232 - Scheduling of a public hearing relative to amending Ordinance No. 1227, Section 8-7 and 8-12 for October 29, 1981.

HIGHLIGHTS: The City of Asheville's fee schedule for building permits in Ordinance No. 1227, is inaccurate. This ordinance was written with the intent of reflecting a change in procedure that was recommended in the recent MICA study. This change should have reflected a general permit fee of 9¢ per square foot for new residential construction. However, inadvertently the ordinance was written to cover commercial as well as residential new construction. This ordinance change is being prepared to correct that inaccuracy.

Resolution Book No. 13 at page 78.

- C. Resolution No. 81-233 - Resolution accepting a deed of easement for the purpose of constructing a sewer line on Forestdale Drive.

HIGHLIGHTS: This easement agreement with Daisy Lee Gray of 43 Rock Hill Road, Asheville, North Carolina is for a 6" sewer line to be constructed on Forestdale Drive. Because this line will encroach on property belonging to Daisy Lee Gray, this agreement is necessary.

RESOLUTION NO. 81-239 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATIVE TO PROJECT 9.5130201 - IMPROVEMENTS TO U S 25 (McDOWELL STREET)

Consideration was given to a resolution authorizing the Mayor to enter into a municipal agreement with the North Carolina Department of Transportation relative to project no. 9.5130201 - improvements to U S 25 (McDowell Street).

The City Manager read the resolution stating that this municipal agreement will allow for improvements on McDowell Street for storm drainage.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 81-239 was unanimously adopted.

Complete text of Resolution No. 81-239 will be found in Resolution Book No. 13 at page 85.

PROCLAMATION - CREDIT UNION WEEK -OCTOBER 11-17, -1981

Mayor Trantham proclaimed the week of October 11-17, 1981, as Credit Union Week and Thursday, October 15, 1981 as Credit Union Day.

CLAIMS/LOSSES REPORT - MELISSA RICKMAN - CHERIE KRYSPOSEK - MICHAEL KITCHEN

The City Manager presented claims received from Melissa Rickman, Cherie Krysposek, and Michael Kitchen.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

REQUEST OF WAYNE CALDWELL, CHAIRMAN OF SAVE DOWNTOWN ASHEVILLE, INC. - REQUEST FOR DOCUMENTS, RE: ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

The City Manager presented a letter received from Wayne Caldwell, Chairman of the Save Downtown Asheville which reads as follows:

Mayor Roy M. Trantham
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Dear Mayor Trantham

This letter is a request to you and the Council for information. Our organization would like to have a complete accounting of federal, state, and local funds spent to date on the following projects:

1. Preparation, printing, and implementation of the 3-volume Asheville Revitalization Plan adopted by Council in 1978, and the one-volume Citizen's Summary of the Plan.

HIGHLIGHTS: This is an annual contract with the Buncombe County Council on Aging. This resolution will extend the contract for one (1) year.

Resolution Book No. 13 at page 83.

Councilwoman Price moved to approve the consent agenda. This motion was seconded by Councilman Cole and carried unanimously.

RESOLUTION NO. 81-238 - RESOLUTION AUTHORIZING THE CLOSING OF WALNUT STREET BETWEEN BROADWAY AND NORTH LEXINGTON ON SATURDAY, OCTOBER 10, 1981, FROM 10:00 A.M. UNTIL 10:00 P.M.

Consideration was given to a resolution authorizing the closing of Walnut Street between Broadway and North Lexington on Saturday, October 10, 1981, from 10:00 A.M. until 10:00 P.M.

The City Manager read the resolution stating that the merchants of Walnut Street, being members of Lexington Park Association, wish to close Walnut Street between Broadway and North Lexington on Saturday, October 10, 1981, from 10:00 A.M. until 10:00 P.M. for the purpose of a fall festival in conjunction with the Asheville Parks and Recreation Department.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-238 was unanimously adopted.

Complete text of Resolution No. 81-238 will be found in Resolution Book No. 13 at page 84.

PUBLIC HEARING SCHEDULED - AMENDING ZONING ORDINANCE TO INCLUDE "ARCHITECTURAL CONSERVATION DISTRICT"

Councilwoman Price moved to schedule a public hearing for October 22, 1981, to consider an ordinance amending the zoning ordinance to include an "architectural conservation district." This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING SCHEDULED - SITE PLAN FOR "RIVER RIDGE SHOPPING MALL"

Councilman Boland moved to schedule a public hearing for October 29, 1981, relative to the site plan for the proposed River Ridge Shopping Mall to be located at I-240 and U S 74. This motion was seconded by Councilwoman Price and carried unanimously.

PROCLAMATION - ALPHA DELTA KAPPA - OCTOBER 11-17, 1981

Mayor Trantham proclaimed the week of October 11-17, 1981, as Alpha Delta Kappa week in Asheville.

RALPH BISHOP - REQUEST FOR RECORDS

Ralph Bishop questioned the budget amendment on the agenda for \$18,150 for the police sargeant position.

Upon inquiry of Mr. Bishop, Mr. Michalove said the budget amendment is to provide funding for a police sergeant position. He said this would cover Sergeant Watts' back pay in order to comply with a court order.

Mr. Bishop requested a copy of the bill from Mr. Harold Bennett relative to defending the City of Asheville on the Sullivan Act.

DISCUSSION OF THE CITY/COUNTY WATER AGREEMENT

A discussion was held relative to the City of Asheville coming up with a formal City/County Water Agreement that could be signed and presented to the County Commissioners for execution. After discussion Councilwoman Price moved to postpone action on the issue until October 15, 1981. This motion was seconded by Councilman Boland and carried unanimously.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the meeting adjourned at 6:55 P.M.

Ralph M. Hamilton
MAYOR

William F. Holcomb
CITY CLERK

2. The Walnut Streetscape Project.
3. Compilation and publication of Historic Architectural Resources of Downtown Asheville (1979).
4. Preparation, application, and implementation of Asheville UDAG project # B-79-AA-37-001 (Eagle-Market Street Improvement Project).
5. Preparation and implementation of the Downtown Asheville National Historic District.
6. All funds expended to date on the Asheville Downtown Commercial Complex, including, but not limited to, contract work with Butler Associates; Six Associates; Price, Waterhouse; Barton, Ashman; Herbert Hyde; Patla, Straus, Robinson, & Moore; Brown, Wood, Ivey, Mitchell & Petty; Regional Appraisal Services; W. T. Duckworth; O. Germany; Asheville Housing Authority; and Strouse, Greenberg Company.

We would appreciate your cooperation in obtaining these figures. Thank you very much, and we look forward to hearing from you.

Respectfully,

Wayne T. Caldwell
Chairman

CC: Robert B. Long, Jr.
John Meffert, National Trust
for Historic Preservation

The City Manager said that he would investigate Mr. Caldwell's request and determine how much time it would take to produce the documents that Mr. Caldwell has requested.

PROCLAMATION - WHITE CANE SAFETY DAY - OCTOBER 15, 1981

Mayor Trantham proclaimed Thursday, October 15, 1981, as White Cane Safety Day.

PROCLAMATION - OCTOBER 15, 1981 - UNITED NATIONS DAY - OCTOBER 31, 1981, UNICEF DAY

Mayor Trantham proclaimed Thursday, October 15, 1981 as United Nations Day and Saturday, October 31, 1981 as Unicef Day

ANNOUNCEMENT BY COUNCILMAN WILKES - MEMORIAL SERVICE FOR ANWAR SADAT OF EGYPT

Councilman Wilkes said the Jewish Community is having a memorial service for Anwar Sadat of Egypt at 12:30 P.M. on Monday, October 12, 1981, at the Jewish Community Center on Charlotte Street.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at its meeting held on September 9, 1981, reviewed a request of Ronald S. Butler that Ward 2, Sheet 4, Lot 13½, located at 22 Broad Street, be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. He said the planning staff had recommended two alternatives to the Planning and Zoning Commission, those alternatives being: 1) that Lot 13½ be rezoned to Commercial Highway District or 2) that Lot 13½, 13 and 14 be rezoned to R-4 High Density Residential District which permits apartments and offices but does not permit commercial establishments. He said after review and discussion the Commission voted to recommend to City Council that Ward 2, Sheet 4, Lot 13½ be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District.

Mr. Emrick said he had received a letter from Ronald S. Butler indicating he had discussed the rezoning with the neighbors at 22 Broad Street and would request that City Council consider rezoning 22 Broad Street to R-4 High Density Residential District. He said the owner is requesting the property be rezoned from R-3 Medium Density Residential District to allow for renovation of an office building.

Mr. Emrick said he had notified the adjoining property owner, Mr. Williard Swilling, owner of Lot 13 that Council could possibly consider rezoning his property to R-4 High Density Residential District. He said Mr. Swilling was notified on September 25, 1981, and to date no response has been received from Mr. Swilling.

After discussion, it was the consensus of Council to rezone the property to R-4 Residential District and include Lot 13½ and 13 in the rezoning.

The City Manager read the ordinance rezoning the property to R-4 Residential District.

Mayor Trantham closed the public hearing at 4:16 P.M.

Councilman Boland moved for the adoption of Ordinance No. 1246. This motion was seconded by Councilman Cole.

On a roll call vote of 7-0, Ordinance No. 1246 passed on first reading.

PUBLIC HEARING CONTINUED - REZONING PROPERTY LOCATED ON LOUISIANA AVENUE - REQUEST OF HAROLD TALBERT

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

4. A public hearing relative to rezoning property located on Louisiana Avenue at the request of Harold Talbert, agent for property owners from R-3 Medium Density Residential District to CH Commercial Highway District was continued from the October 18, 1981, meeting.

Thursday - October 15, 1981 - 4:00 P.M.

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 8, 1981, meeting.

Upon motion of Councilman Boland, seconded by Councilman Brownlee, the minutes of the October 8, 1981, meeting were approved as submitted.

RESOLUTION NO. 81-240 - RESOLUTION IN MEMORY OF CECIL F. MARSHALL

2. Consideration was given to a resolution in memory of Cecil F. Marshall.

The City Manager read the resolution indicating that Cecil F. Marshall was an employee of the Sanitation Division of the City of Asheville and this resolution will extend to his family the Council's sincere sympathy upon his passing.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-240 was unanimously adopted.

Complete text of Resolution No. 81-240 will be found in Resolution Book No. 13 at page 86.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT 22 BROAD STREET - RONALD S. BUTLER

ORDINANCE NO. 1246 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

3. A public hearing was held relative to rezoning property located at 22 Broad Street at the request of Ronald S. Butler.

Mayor Trantham opened the public hearing at 4:10 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

**APPROVAL OF WATER SERVICE APPLICATIONS - LYNX CONDOMINIUM PROJECT
- MARK A. CARLSON DEVELOPMENT - KENNETH A. PARTIN DEVELOPMENT
- PINE RIDGE APARTMENTS**

6. The City Manager, in view of actions to be taken later on in the Council meeting, presented a letter from William DeBruhl, Director of Water and Sewer Services recommending that the following list of previously approved water service applications be approved by the City Council at today's meeting: 1) The Lynx Condominium Project - Black Mountain, North Carolina, Arnold Jones and Son, Inc., 2) Mark A. Carlson Development, Fenner Avenue, North Asheville, Corbin-Carlson Developer, 3) Kenneth A. Partin Development, Louisiana Avenue, Asheville, Landmark Enterprises Incorporation, 4) Pine Ridge Apartments, 42 unit apartment complex on Mills Gap Road. He said these water service applications had been reviewed and were now being recommended for approval by Council.

Upon inquiry of Councilman Wilkes Mr. DeBruhl stated that there are approximately 33 service applications on file in the Water Department. He said the other developments will not be done in the near future. However, the above projects need a letter of approval from the City before they can completely put their project together.

Councilwoman Price moved to approve the four water service applications as recommended by the Water and Sewer Director. This motion was seconded by Councilman Cole and carried unanimously.

**WATER AGREEMENT BETWEEN CITY OF ASHEVILLE AND BUNCOMBE COUNTY
- INTENT OF CITY COUNCIL TO SIGN WATER AGREEMENT**

Councilman Cole requested that Council consider a vote on the proposed Water Agreement between the City of Asheville and the County of Buncombe as discussed at last week's Council meeting. Councilwoman Price moved that Council accept the proposed Water Agreement provided page 25, line 7 be amended by adding the words "joint or county bonds." She further moved that the Mayor or Vice-Mayor be authorized to send a letter to the County Commissioners indicating Council's intent to sign the water agreement with said amendment. This motion was seconded by Councilman Cole.

Mayor Trantham said that two weeks ago he presented members of Council with a proposed water agreement to sign and deliver to the County of Buncombe. He said every item was agreed upon but two, being the amount of revenue the City could use from the water revenues and the matter of the County interfering with future city annexations. He said his proposal was to negotiate with the County Commissioners on those two items. However, Council members did not agree with his proposal. He said he felt Council has the right to present their needs. He said he could not in good conscience sign the proposed agreement.

After discussion, Mayor Trantham called for a roll call vote on Councilwoman Price's motion. Councilwoman Price's motion then carried on a roll call vote of 4-3, with Mayor Trantham, Vice-Mayor Morris, and Councilman Brownlee voting "no." After which, Vice-Mayor Morris changed his vote to "aye" stating that he did not think the citizens of the City are getting a full, fair share, but it is so much better than anything in the past that has been proposed. Therefore, Councilwoman Price's motion carried on a roll call vote of 5-2, with Mayor Trantham and Councilman Brownlee voting "no."

Mayor Trantham stated that this public hearing was continued from the October 8, 1981, meeting.

Verl Emrick said the Planning and Zoning Commission, at its meeting held on September 9, 1981, reviewed a request of Harold Talbert, Agent for property owners, that Ward 6, Sheet 17, Lots 84, 70-3/4, 70 and 86 (property located on Louisiana Avenue) be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. The Commission recommended that the request be approved by the City Council. He said it was his understanding that the Council had questions relative to the request of Mr. Harold Talbert to rezone this property. He said Louisiana Avenue is scheduled to be four lanes and construction scheduled for 1986.

Harold Talbert said the owners are requesting the zoning change from R-3 Medium Density Residential District to CH Commercial Highway District to allow for expansion of the existing small business and for future development of their lots. He said the property is no longer feasible for residential use. He said his clients have no proposed use for the property at this particular time.

After discussion Councilman Wilkes suggested that the Council look at the total area before rezoning this property. He said the zoning should be contiguous.

Mr. Emrick suggested that Council remand the request to the Planning and Zoning Commission instead of denying the request. He said if Council denied the request the matter could not be brought back before the Planning and Zoning Commission or Council for one year.

After discussion, Councilwoman Price moved to remand the request to the Planning and Zoning Commission for further study. She also requested that the Planning and Zoning Commission determine the status of the Louisiana Avenue widening. This motion was seconded by Councilman Wilkes and carried unanimously.

ORDINANCE NO. 1244 - AN ORDINANCE PROVIDING FOR THE TEMPORARY SUSPENSION OF THE EXTRATERRITORIAL JURISDICTION IN THE AREA GENERALLY KNOWN AS BEAVERDAM VALLEY

5. Consideration was given to the second reading of Ordinance No. 1244, an ordinance providing for the temporary suspension of the extraterritorial jurisdiction in the area generally known as Beaverdam Valley.

Mayor Trantham stated that this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1244 passed on second reading.

BIDS - BODY ARMOR FOR THE ASHEVILLE POLICE DEPARTMENT

9. Consideration was given to bids received September 15, 1981, for body armor for the Asheville Police Department.

The City Manager presented the following letter from the Purchasing Director recommending acceptance of the low bid submitted by Davidson Law Enforcement Division in the amount of \$20,541.

MEMO TO: Ken Michalove
City Manager

FROM: Ted Grable *TG*
Purchasing Director

DATE: October 12, 1981

SUBJECT: Award of Bid Request No. 148-82, Body Armor for Asheville Police Department

Sealed bids were received and opened Tuesday, September 15, 1981 to furnish body armor. Five (5) bidders submitted proposals as shown on the attached bid tabulation.

Four bidders proposed garments which met or exceeded the specifications of the Police Department. The lowest bid was submitted by Davidson's Law Enforcement Division of Greensboro, N.C. at \$167.00 per vest as specified. The next lowest bid was from Stinnette Uniform Sales in Asheville at a per vest cost of \$168.00. Police Chief Hensley reviewed the bids and expressed his concern that the closeness of these bids may be offset by possible increases in cost and inconvenience occasioned by contracting with a vendor in Greensboro rather than Asheville. Inquiries were made to each vendor to document the vendor's proposed services and previous experience in implementing contracts for this type of item.

Both vendors submitted responses which indicated they are able to fully implement the requirements of this bid request and fully meet all specifications. In addition, both vendors demonstrated comparable experience and expertise in this area. Both vendors have also conducted business with the City on previous occasions and have satisfactory histories. Analysis of the bids and the vendors' responses to the service inquiry does not show any significant or tangible difference in these two proposals, other than the bid price.

I have reviewed these results with Police Chief Hensley. Pursuant to the requirements of the General Statutes, I recommend that the City Council make an award to the low bidder, Davidson's Law Enforcement Division for 123 pieces of body armor in the amount of \$20,541.00.

Sufficient funds are available for this purchase in the Police Department appropriation, Account Code 10-460-037.

Councilwoman Price instructed that the City and County attorneys assist in the finalization of the proposed agreement.

ORDINANCE NO. 1245 - AN ORDINANCE REVISING PROVISIONS REGARDING REGULATIONS OF WATER USE DURING DROUGHT OR EMERGENCY CONDITIONS

7. Consideration was given to the third reading of Ordinance No. 1245, an ordinance revising provisions regarding regulations of water use during drought or emergency conditions.

Mayor Trantham stated that this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

Vice-Mayor Morris moved to amend Ordinance No. 1245, Section 1, phase III (A) (2) to read "that the use of water for residential, commercial and industrial users shall be restricted to sixty percent (60%) of their average water consumption, over and above the minimum charge based on their respective meter size." This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1245 passed on third reading as amended.

Complete text of Ordinance No. 1245 will be found in Ordinance Book No. 9 at page 276-278.

ORDINANCE NO. 1247 - AN ORDINANCE ESTABLISHING A WATER CONSUMPTION EXPANSION CONTROL POLICY FOR THE ASHEVILLE MUNICIPAL WATER SYSTEM

8. Consideration was given to an ordinance establishing a water consumption expansion control policy for the Asheville Municipal Water System.

The City Manager said this ordinance would replace the resolution that Council considered last week and deals with how the water drought ordinance will be enforced.

The City Manager read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1247. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1247 passed on first reading.

Councilman Cole moved to suspend the rules and proceed to the second reading of Ordinance No. 1247. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1247 passed on second reading.

C. Davidson's employee's that do vest measurement have been trained by Tony Bourgesse at Point Blank in practical conditions so that all areas of measurement have been covered in depth. Davidson's Law Enforcement Equipment is the only vendor in North Carolina that has received the above training.

D. Logistics of measurement of all personnell at the Department.

1. Members of our trained staff will be available at the Asheville Police Department by appointment and/or at the shift change to make measurements.
2. When officers are measured as they leave their shift the following factors should be considered. (A) Officers are not leaving duty assignment areas, this leaving a segment of the populus without protection. (B) City equipwnt is not used to travel to and from the local vendor resulting in savings to the taxpayer. (C) Officers are in Uniform so that a proper fit can be obtained.
3. It has been our past experience to set up two measuring schedules on separate weeks. This insures fitting the majority of the officers. Any officers not fitted in this time frame will be scheduled on an individual basis.

E. References:

1. City of Winston Salem Police Department
Contact : Tom Hart
2. City of High Point Police Department
Contact: Charles Griggs - Purchasing Agent
Officer Dan Lynch - Supply
3. City of Mount Airy
Contact : Chief Joe Simmons
4. Point Blank Body Armour
Tony Bourgesse

A representative of Stinnette Uniform Sales in Asheville appeared before Council and said he felt it would be advantageous to the City to award the bid to Stinnette Uniform Sales in Asheville. He said the difference in his bid and the low bid is \$123, however he felt his company could give extra service by fitting the police officers locally. He felt it would be a quicker, smoother and faster procedure to have the officers be fitted by a local business. He showed members of Council a sample of the body armor proposed in his bid.

The City Manager presented the following letters from Stinnette Uniform and Davidson Law Enforcement Division indicating there was no difference in the two bids submitted.

October 2, 1981

Mr. Ted Grable
Purchasing Director
City of Asheville
Department of Finance
P.O. Box 7148
Asheville, North Carolina

28807

RECEIVED

OCT 5 1981

PURCHASING
DIVISION

Dear Mr. Grable:

I am writing in response to your letter of September 25, 1981 regarding (Bid Request No. 148-82). We were pleased to be advised that we were low bid on the above mentioned proposal and feel that our company can provide prompt and professional service in outfitting your department with ballistic vest.

By your letter and bid result information, I surmise that price is not only the question but also service and the possibility that a local vendor may be able to better serve you. As you have requested I will supply you with the following information:

1. Details necessary to measure and fit body armour:

- A. Tape Measure - Initial measurement and final measurement are made with tape measure, Basic measuring procedures are as follows
Front: Measurement at upper Torso Chest and Waist
Measurement from clavical to belt line.

Back measurement - Base of neck to belt line

- B. We maintain a complete set of samples (Class IIA Side Panel) in all available sizes. It has been our experience and advice by the factory that this is the only way to insure a proper fit. With the sample vest on and the officer in uniform he can experience the wearability of the vest both standing and sitting (simulating vehicular patrol). Final measurement is made at this point with tape measure to remove or add coverage at the beltline area. Currently we are the only Point Blank vendor in North Carolina that maintains the above mentioned measuring samples.



STINETTE UNIFORM SALES, Inc.

285 Haywood
Asheville, North Carolina
Telephone (704) 253-2722

October 7, 1981

Mr. Ted Grable
Purchasing Director
City of Asheville
P.O. Box 7148
Asheville, N. C. 28807

Ref: Your Letter, September 25, 1981
Body Armor Bid #148-87

Dear Mr. Grable:

The easiest and most efficient way for the Asheville Police Department to get five shifts of men processed for body armor measurements is to have them come by our store on Haywood Road. The officers may stop by to be measured on their off-duty periods, which will provide the least possible interruptions to normal shift schedules. It is the best way to handle the officers who may be on vacation, at training schools, or absent for some reason. We can also provide expert alterations at our store for properly fitting the body armor.

Trained representatives of Stinnette Uniform will measure and fit each individual member of the Asheville Police Department as follows:

- A. We will take measurements of the individual's upper torso to determine proper fit.
- B. We will then have the individual try on the size body armor measured to insure a perfect fit. There are many instances where an individual will measure one size, yet his body posture will dictate a different fit than measured. For this purpose we will have on hand at measuring times, a sample of each standard size.
- C. If an individual experiences some later difficulty in wearing the armor (not uncommon due to the weight) we will adjust or exchange his body armor to give a more comfortable fit. This is assuming that the exchange is made within a reasonable time period and that the original garment is returned to us in good enough condition to issue to another officer at the bid price.

Stinnette's has been fitting and selling body armor to police officers in Western North Carolina for many years. Hickory and Lincolnton Police Departments may be used as references.

Page 3

In closing I would like to make several general comments which I feel will be of interest.

Davidson's Law Enforcement Equipment has supplied more Point Blank vests than any other Point Blank Distributor in the state of North Carolina. Our company is 100% law enforcement equipment oriented. Equipment sales is not a side line as is with many uniform houses.

We maintain a professional staff considered as experts in the field of law enforcement equipment, we continually strive to stay abreast of developments and keep our customers informed of vital information they need.

If further information is needed regarding this matter, please feel free to contact me.

I will be glad to come to Asheville and discuss this with you personally or your city council if need be.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Sutton".

Al Sutton
Vice President Sales

Mayor Trantham noted that if the bid was awarded to a local business the police officers would have the opportunity to have their uniforms adjusted from time to time according to their weight.

The City Manager suggested that, if Council would like to review the two letters they postpone action on the bids until next week.

Councilman Boland and Councilman Wilkes indicated that Council might be violating statutes if they did not accept the low bid. Ted Grable, Purchase Director, said the two bids were very competitive bids and the City of Asheville was fortunate in receiving competitive bids. He said competitive bids provide the City with lower bids. After discussion, Councilman Wilkes noted that if Council awards bids to local businesses even though they are higher, the out of town businesses might not bid on future items.

Councilman Boland moved to postpone action on the approval of the bids until October 22, 1981. This motion was seconded by Councilman Cole and carried on a voice vote of 5-2 with Councilman Wilkes and Councilwoman Price voting "no."

Mayor Trantham requested that the City Attorney investigate the legality of Council awarding bids to the second low bidder.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Scheduling of a public hearing relative to the site plan of a proposed apartment complex to be located on Nantahala Street (previously known as the Carolina Avenue Apartments) for November 12, 1981.

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held October 7, 1981, reviewed the site plan of a proposed apartment complex to be located on Nantahala Street (previously known as the Carolina Avenue Apartments). After review and discussion of the plan the commission voted to recommend approval to City Council subject to the following: 1) compliance with the City's Erosion Control Ordinance and 2) showing 16 additional spaces on the site that could be used for future parking as required.

- B. Scheduling of a public hearing relative to the site plan of a proposed "Bi-Lo Shopping Center" to be located on Leicester Highway for November 12, 1981.



STINETTE UNIFORM SALES, Inc.

285 Haywood Road
Asheville, North Carolina 28806
Telephone (704) 253-2722

Mr. Ted Cable
City of Asheville

October 7, 1981

(PAGE TWO)

In summary, we again stress the convenience to the City of our store on Haywood Road. We can take a significant time-load off the Police Department by having the officers come by the store to be measured. We will keep detailed records of the men and their sizes, and do the necessary follow up to insure that everyone is properly processed for body armor. However, if the Police Department elects to be measured during on-duty shift periods, we will have representatives readily available at any time convenient to the department. We are always locally available to be of service.

Sincerely,

Darrell E. Redmond
President

DBR/et

of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 81-242 was unanimously adopted.

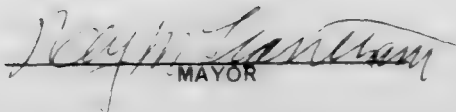
Complete text of Resoluition No. 81-242 will be found in Resolution Book No. 13 at page 88.

RALPH BISHOP - REQUEST FOR RECORDS

Ralph Bishop requested a copy of the check the State of North Carolina paid to the City of Asheville for inspecting thermostats last winter. He also requested a copy of the cancelled check for money paid to Harold Bennett regarding the Sullivan Act.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Wilkes, the meeting adjourned at 5:45 P.M.


MAYOR


CITY CLERK

989

HIGHLIGHTS: The Planning and Zoning Commission at a meeting held on October 7, 1981, reviewed the site plan of a proposed Bi-Lo Shopping Center to be located on Leicester Highway. After review and discussion of the plan the commission voted to recommend the approval to City Council subject to compliance with the City's Erosion Control Ordinance.

Upon motion of Councilwoman Price, seconded by Councilman Cole, the consent agenda was unanimously approved.

RESOLUTION NO. 81-241 - RESOLUTION ACCEPTING A DEED OF EASEMENT FOR THE PURPOSE OF CONSTRUCTING A SEWER LINE ON FORESTDALE DRIVE - FRANK N. JAMISON AND WIFE, MARTHA C. JAMISON

Consideration was given to a resolution accepting a deed of easement for the purpose of constructing a sewer line on Forestdale Drive - Frank N. Jamison and wife, Martha C. Jamison.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-241 was unanimously adopted.

Complete text of Resolution No. 81-241 will be found in Resolution Book No. 13 at page 87.

CLAIMS - CEDRIC PORTER - RONALD MOYER - CARVEL TAYLOR - NC DEPT. OF NATURAL RESOURCES - JOHN HARPER

The City Manager presented claims received from Cedric Porter, Ronald Moyer, Carvel Taylor, NC Dept. of Natural Resources and John Harper and indicated that the City was served with summonses in connection with the following lawsuits:

Asheville Housing Authority - Condemnation of Miller E. Brown property
Asheville Housing Authority - Condemnation of Thomas Orr property
Asheville Housing Authority - Condemnation of Marie Cox property

Mayor Trantham referred the claims and the lawsuits to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - OCTOBER 18-24, 1981 - SISTERS OF MERCY WEEK

Mayor Trantham proclaimed October 18-24, 1981, as Sisters of Mercy Week.

RESOLUTION NO. 81-242 - RESOLUTION REGARDING AUDITING CONTRACT

Consideration was given to a resolution regarding auditing contract.

The City Manager read the resolution stating that this resolution will authorize the firm of Patton, Hunter and Company to perform the audits

On a roll call vote of 7-0, Ordinance No. 1246 passed on third and final reading.

Complete text of Ordinance No. 1246 will be found in Ordinance Book No. 9 at page 282.

RESOLUTION NO. 81-243 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WATER AGREEMENT ON BEHALF OF THE CITY OF ASHEVILLE

3. Consideration was given to a resolution authorizing the Mayor to execute a water agreement on behalf of the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Boland, Resolution No. 81-243 was unanimously adopted.

Complete text of Resolution No. 81-243 will be found in Resolution Book No. 13 page 90.

PUBLIC HEARING - AMENDING ZONING ORDINANCE - NEW DISTRICT ENTITLED "ARCHITECTURAL CONSERVATION DISTRICT"

4. A public hearing was held relative to amending the Asheville Zoning Ordinance to include a new district entitled "architectural conservation district."

Mayor Trantham opened the public hearing at 4:13 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager said that Mr. Emrick, Director of Planning, was to present the recommendation of the Planning and Zoning Commission establishing a new district to be entitled "architectural conservation district." However, Mr. Emrick was called out of town and requested that the public hearing be continued until October 29, 1981.

Councilman Boland moved to continue the public hearing until October 29, 1981, without further advertisement. This motion was seconded by Councilwoman Price and carried unanimously.

ORDINANCE NO. 1244 - AN ORDINANCE PROVIDING FOR THE TEMPORARY SUSPENSION OF EXTRATERRITORIAL JURISDICTION IN THE AREA GENERALLY KNOWN AS THE BEAVERDAM VALLEY

4. Consideration was given to the third reading of Ordinance No. 1244, an ordinance providing for the temporary suspension of extraterritorial jurisdiction in the area generally known as the Beaverdam Valley.

Mayor Trantham stated that this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

Thursday - October 22, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Harold F. Brownlee.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 15, 1981, meeting.

Upon motion of Councilwoman Price, seconded by Councilman Boland, the minutes of the October 15, 1981, meeting were approved as submitted.

ORDINANCE NO. 1248 - AN ORDINANCE AMENDING SECTION 23-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO CHANGE THE SPEED LIMIT FOR TRAINS FROM FIFTEEN (15) MILES PER HOUR TO TWENTY (20) MILES PER HOUR

2. Consideration was given to an ordinance amending Section 23-7 of the Code of Ordinances of the City of Asheville to change the speed limit for trains from fifteen (15) miles per hour to twenty (20) miles per hour.

The City Manager read the ordinance. He said this ordinance was prepared at the request of Larry Wetsel from the Southern Railway System.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1248. This motion was seconded by Councilman Brownlee.

On a roll call vote of 7-0, Ordinance No. 1248 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1248. This motion was seconded by Councilman Brownlee and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1248 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third reading of Ordinance No. 1248. This motion was seconded by Councilman Brownlee and carried unanimously.

ments amending the City of Asheville Operating or Capital Projects Budget as follows:

- A. Community Development - This budget amendment in the amount of \$15,000 is to set up a project known as Depot Street Plan implementation using these funds for engineering, design and preliminary planning.
- B. General Revenue Sharing - Civic Center - This budget amendment in the amount of \$11,500 is to carry over federal revenue sharing capital outlay appropriations into the 1981-82 fiscal budget.

The City Manager presented the budget amendments.

Councilman Wilkes moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

BIDS - BODY ARMOR FOR THE ASHEVILLE POLICE DEPARTMENT

9. Further consideration was given to bids received September 15, 1981, for body armor for the Asheville Police Department.

The Corporation Counsel read a memorandum from Ted Grable, Purchasing Director, stating "the original staff recommendations of October 12, 1981, referencing the bid award of Bid Request No. 148-82 for providing 123 units of body armor to Davidson's Law Enforcement Equipment Division of Greensboro was based on a legal assessment. Under current purchasing procedures and the North Carolina State Statutes, no other recommendations can be made."

The Corporation Counsel said that he had met with Ted Grable and Police Chief, Fred Hensley relative to this matter. He said under the North Carolina General Statutes, Council must accept the low bid, all factors being equal.

Councilwoman Price moved to accept the recommendations of the Purchasing Director and award the bid to the low bidder, Davidson's Law Enforcement Division, for 123 pieces of body armor in the amount of \$20,541. This motion was seconded by Councilman Boland.

Councilman Wilkes stated that he felt Council had done a good job in trying to award bids to local businesses; however, the Council is held to a state law and cannot accept a high bid. He said the City Council needs more local businesses bidding on items.

Jerry Brown, General Manager of Stinnette Uniform Sales in Asheville, said his company feels it will cost the City more in the long run to award the bid to an outside business. He said his company could furnish the body armor at a cheaper rate due to the fact, that being a local business the police officers would have the convenience of being fitted for the armor either on or off duty. He said he feels that Council and the City of Asheville has an obligation to support local businesses. He said his company deals with bids across the state and is involved in matters such as this very often. He

On a roll call vote of 7-0, Ordinance No. 1244 passed on third and final reading.

Complete text of Ordinance No. 1244 will be found in Ordinance Book No. 9 at page 274 and 275.

ORDINANCE NO. 1246 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (PROPERTY KNOWN AS 22 BROAD STREET)

6. Consideration was given to the second reading of Ordinance No. 1246, an ordinance amending Ordinance No. 322 known as "an ordinance providing for the zoning of the City of Asheville" as amended (property known as 22 Broad Street).

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1246 passed on second reading.

ORDINANCE NO. 1247 - AN ORDINANCE ESTABLISHING A WATER CONSUMPTION EXPANSION CONTROL POLICY FOR THE ASHEVILLE WATER SYSTEM

7. Consideration was given to the third reading of Ordinance No. 1247, an ordinance establishing a water consumption expansion control policy for the Asheville Water System.

Mayor Trantham stated this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

Vice-Mayor Morris said the Water Committee had met on Tuesday, October 20, 1981, and has recommended that the ordinance be amended.

The City Manager read the ordinance as recommended to be amended by the Water Committee.

Vice-Mayor Morris moved to amend Ordinance No. 1247 as read by the City Manager. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1247 passed on third and final reading, as amended.

Complete text of Ordinance No. 1247 will be found in Ordinance No. 9 at page 280 and 281.

BUDGET AMENDMENTS - CITY OF ASHEVILLE OPERATING OR CAPITAL PROJECTS BUDGET (COMMUNITY DEVELOPMENT AND GENERAL REVENUE SHARING - CIVIC CENTER)

8. Consideration was given to a motion approving budget amend-

REQUEST OF RICHARD C. NAILLING AND GROVER REDMON - RELOCATION OF TWO ABANDONED GRAVES LOCATED ON THEIR PROPERTY IN THE KENILWORTH AREA

11. Consideration was given to a request of Richard C. Nailling and Grover Redmon to relocate two abandoned graves located on their property in the Kenilworth area.

Gary Rowe, attorney representing Dr. Richard C. Nailling and Grover Redmon, said pursuant to applicable provisions of the Asheville City Code and State Statutory requirements, Dr. Nailling and Mr. Redmon have published notice in The Asheville Citizen-Times of their intention to apply for permission to remove and relocate two abandoned graves on their property located in the Kenilworth section of Asheville. He said these notices were given pursuant to Section 251 (B) of the Related Laws of the Asheville City Code and State Statutory requirements of G. S. 65-13. He said the notice was published in The Asheville Citizen-Times on September 29, October 6, October 13, and October 20, 1981. He said the next requirement of the state statute is to receive permission from the City Council to remove and relocate the remains of the two abandoned graves located on their property. He said after permission is granted from the City Council notice must be published in The Asheville Citizen-Times indicating their intent to remove and relocate the said abandoned graves. He said this matter should not be construed to be a part of the consideration of rezoning property in the Kenilworth area or the consideration of a proposed project known as "Sugartree" Development in the Kenilworth area. He said this is a completely different matter in that his clients will move the abandoned graves regardless of the outcome of the "Sugartree" Development or the Kenilworth rezoning.

Mr. Rowe said he had met with the South Asheville Cemetery Association relative to the relocation of the graves and they have specified a place for the graves.

After discussion Councilman Boland moved to grant permission to Richard C. Nailling and Grover Redmon to remove and relocate the remains of two abandoned graves located on their property in the Kenilworth area. This motion was seconded by Councilwoman Price.

Councilman Wilkes moved to amend Councilman Boland's motion to include a statement that approval to remove and relocate the remains of the two abandoned graves is not to be construed as approval or disapproval of the "Sugartree" Development or the rezoning matter in Kenilworth. This motion was seconded by Councilman Brownlee and carried unanimously.

Councilman Boland's motion, as amended by Councilman Wilkes carried unanimously.

COMMENTS BY COUNCILMAN WILKES - ALLEYWAY OFF CONGRESS STREET BEING BLOCKED

At the request of Councilman Wilkes, the City Manager said that he had the Corporation Counsel investigate the matter of an alleyway off of Congress Street being blocked.

said other cities in the State of North Carolina have accepted higher bids in order to support a local business. He cited a recent example of this in a Gastonia bid. He said all factors being equal in the bids, he felt Council still had an obligation to support the local businesses.

Vice-Mayor Morris said he personally felt the City would be better off to award the bid to the local business due to the fact that there was only \$123 difference in the bids. He said he felt there would be \$123 worth of convenience to award the bid to a local business.

The City Manager told members of Council they have three alternatives, those being: 1) To accept the low bid of Davidson's Law Enforcement Division; 2) Disregard all bids and rebid the armor; or 3) Award the bid to the second low bidder, Stinnette Uniform Sales and take the risk of a lawsuit.

Councilman Wilkes said if Council awarded the bids to the second low bidder he felt they would be setting a precedent of bending the North Carolina State Law.

Jerry Brown of Stinnette Uniform Sales responded to Councilman Wilkes by saying that other cities in North Carolina have already set a precedent such as this.

Allan Arrington, Sales Manager for Davidson's Law Enforcement Division, spoke in support of his bid. He said he had furnished other cities in North Carolina the same equipment and everything has always went very quickly and efficiently. He said his company has worked out schedules with the departments at their convenience for the fittings. He said his company is fully capable of handling the bids.

After discussion, Councilwoman Price's motion carried on a voice vote of 6-1 with Vice-Mayor Morris voting "no."

RESOLUTION NO. 81-244 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR FIRE PROTECTION SERVICES WITH THE VETERANS ADMINISTRATION HOSPITAL

10. Consideration was given to a resolution authorizing the Mayor to sign a contract for fire protection services with the Veterans Administration Hospital.

The City Manager read the resolution stating that the City staff and staff of the VA Hospital have negotiated a new agreement for the period November 1, 1981, through September 30, 1982, to provide certain fire protection services to the Veterans Administration Hospital facilities at Oteen, North Carolina.

Upon motion of Councilwoman Price, seconded by Councilman Cole, Resolution No. 81-244 was unanimously adopted.

Complete text of Resolution No. 81-244 will be found in Resolution Book No. 13 at page 91.

PETITION - DESIGNATION OF ALLEY FROM SPRUCE STREET TO MARKET STREET TO BE RENAMED "LAWYERS WALK"

The City Manager presented a petition received from property owners requesting that the alley from Spruce Street to Market Street (currently known as Smith Alley) to be renamed "Lawyers Walk." The petition stated that this designation compliments the current improvements made to the alley by property owners and gives the alley an identity for the businesses being established there.

The City Manager said the petition would be researched and a recommendation given to Council relative to the renaming of the alley.

PUBLIC HEARING - IMPOSING MORATORIUM ON REZONING REQUESTS AND ZONING PERMITS IN THE KENILWORTH AREA

The City Manager stated that the ordinance imposing a limited moratorium on development in the Kenilworth area will expire on October 28, 1981. He said if Council wishes to continue the moratorium, a public hearing needs to be held relative to extending the moratorium date on rezoning requests and zoning permits in the Kenilworth area.

Councilwoman Price moved to schedule a public hearing relative to the adoption of an ordinance imposing a moratorium on consideration of any rezoning requests and issuance of zoning permits for multi-family residential use in the Kenilworth area for November 5, 1981. This motion was seconded by Vice-Mayor Morris and carried unanimously.

CLAIMS - JACK ARROWOOD - CAROLYN MARTIN

The City Manager presented claims received from Jack Arrowood, and Carolyn Martin.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PUBLIC HEARING - REZONING CERTAIN LOTS IN THE EAST END VALLEY STREET PROJECT AREA

At the request of the City Manager, Councilman Boland moved to schedule a public hearing relative to rezoning certain lots in the East End/Valley Street Project Area to conform with the adopted plan, for November 12, 1981. This motion was seconded by Councilwoman Price and carried unanimously.

PROCLAMATION - DICK CLARK'S AMERICAN BANDSTAND DAY - OCTOBER 30, 1981

Mayor Trantham proclaimed Friday, October 30, 1981, as Dick Clark's American Bandstand Day.

PROCLAMATION - OCTOBER 25-31, 1981, - FARM CITY WEEK

Mayor Trantham proclaimed the week of October 25-31, 1981, as Farm-City Week.

The Corporation Counsel stated that the alleyway is not a City street and the City has no legal authority to act upon this matter.

The City Manager then stated he had asked the Director of Public Works to look into the matter.

COMMENTS BY DICK COVINGTON - WATER AGREEMENT

Mr. Dick Covington of 2 Graystone Road spoke to Council relative to the finalization of the Water Agreement. He said he had wanted to speak to Council relative to this matter before Council finalized the Water Agreement. However, he did not arrive at the Council meeting before the agreement was acted upon.

Mr. Covington said he was concerned that the agreement provides that the City will convey recreational property to the County, an issue which has not been made public.

The Corporation Counsel informed Mr. Covington that the North Carolina General Statutes gives the City ample statutory authority to convey property to other governmental agencies. He said a provision in the agreement states that the property must be used for recreational facilities or the property would revert back to the City.

Mr. Covington stated that the County could financially contribute to the recreational facilities without the City conveying the property. He said he was concerned that the City was turning a lot of appraised value over to the County.

He said the City Parks and Recreation Department has been in existence for over eighty years and the County Recreation Department has just been in existence for about four years. He said he did not feel that the County of Buncombe has the ability to operate the Parks and Recreation facilities as efficiently as the City of Asheville.

PROCLAMATION - 100 ANNIVERSARY - AFL-CIO

Mayor Trantham proclaimed November 15, 1981, as the 100th anniversary of the AFL-CIO.

RESOLUTION NO. 81-245 - RESOLUTION APPOINTING CHAIRMAN TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

Consideration was given to a resolution reappointing Osborne M. Hart as chairman of the City of Asheville Board of Alcoholic Control to serve a three-year term, term expiring November 13, 1984.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-245 was unanimously adopted.

Complete text of Resolution No. 81-245 will be found in Resolution Book No. 13 at page 92.

Thursday - October 29, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold P. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Walter R. Boland.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 22, 1981 meeting.

Upon motion of Councilwoman Price, seconded by Councilman Brownlee, the minutes of the October 22, 1981 meeting were approved as submitted.

PUBLIC HEARING - AMENDING SECTION 8-29 (B) (7) OF CHAPTER 8 OF CODE OF ORDINANCES "ENFORCEMENT, POWERS OF CODE ENFORCEMENT OFFICER"

ORDINANCE NO. 1249 - AN ORDINANCE AMENDING SECTION 8-29 (B) 7 OF CHAPTER 8 OF THE CODE OF ORDINANCES ENTITLED, "ENFORCEMENT, POWERS OF CODE ENFORCEMENT OFFICER"

2. A public hearing was held relative to amending Section 8-29 (B) 7 of Chapter 8 of the Code of Ordinances entitled "Enforcement, powers of code enforcement officer."

Mayor Trantham opened the public hearing at 4:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Lem Moore, Assistant Director of Inspections, said it has been determined that Greensboro found that it would cost more than 60% of the fair market value to bring one of their houses into conformity with the housing code. That being so, they said it could not be repaired and must be demolished. The owner appealed. An opinion was rendered by Justice I. Beverly Lake who said "provided a house can be repaired, the owner must be given a reasonable opportunity to repair it no matter how much it cost to do the work." It has been recommended that our housing code be amended to comply with this decision. The proposed amendment would be inserted in Section 8-29 (B) 7 of the Housing Code: "No such ordinance shall be adopted to require demolition of a dwelling until after the owner has first been given a reasonable opportunity to bring it into conformity with the standards of fitness set forth in Section 8-22, provided the dwelling can be repaired so as to comply with said standards of fitness." He said the policy of the City of Asheville has always been to afford the owner a reasonable opportunity to repair a dwelling prior to demolition. He said a number of hearings are held prior to presenting the matter to Council. However, it was determined that from a legal standpoint the Housing Code should be amended to reflect Justice I. Beverly Lake's opinion.

Mayor Trantham closed the public hearing at 4:23 p. m.

PUBLIC HEARING - AMENDMENT TO THE SEVENTH YEAR COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION

At the request of the City Manager, Councilwoman Price moved to schedule a public hearing relative to the submission of an amendment to the Seventh Year Community Development Block Grant Application for November 12, 1981. This motion was seconded by Councilman Wilkes and carried unanimously.

RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE

Ralph Bishop again spoke to Council relative to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the meeting adjourned at 5:40 P.M.


MAYOR


CITY CLERK

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1250. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1250 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1250. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1250 passed on third and final reading.

Complete text of Ordinance No. 1250 will be found in Ordinance Book No. 9 at page 285, 286, 287.

PUBLIC HEARING - SITE PLAN FOR "RIVER-RIDGE SHOPPING MALL"

4. A public hearing was held relative to the site plan of a proposed "River-Ridge Shopping Mall."

Mayor Trantham opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at a meeting held October 7, 1981, reviewed the site plan of "River-Ridge Shopping Mall" to be located at I-240 and U.S. 74. He said the site plan was prepared by Butler Associates, Engineers, for Bob Hughes and Associates, Inc., Raleigh, N. C., Developer, and was submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. He said after review and discussion of the plan, the Commission voted to recommend approval to City Council, subject to the following requirements: 1) Compliance with the City of Asheville's Erosion Control Ordinance; and 2) Approval from the North Carolina Department of Transportation allowing the developer to tie his proposed storm drain system into their existing system on Fairview Road. He said the developers have tentative approval from the N. C. Department of Transportation for tying the system into the Fairview Road system.

By the use of a map, Mr. Emrick reviewed the location of the proposed mall. He said the project will be constructed in phases on a 73 acre tract. He said water and sewer are available for the project. He said because federal funds are being used for the project, the developer had to receive approval from the U. S. Department of Transportation. He said Phase I of the project consists of construction of 205,000 square foot building with 1300-1400 parking spaces. He said the complex will be serviced by a circular road all around the project.

Upon inquiry of Councilman Boland, Mr. Bob Hughes, Developer, said the first phase will consist of an \$8,000,000 project which would be a substantial tax return to the City of Asheville. He said the project will begin with the construction of two department stores, three restaurants, a grocery store, a bank, shops, a drug store, and a fast food outlet.

Mayor Trantham closed the public hearing at 4:48 p. m.

The Assistant City Manager read the ordinance.

Councilman Boland moved for the adoption of Ordinance No. 1249. This motion was seconded by Councilwoman Price.

On a roll call vote of 7-0, Ordinance No. 1249 passed on first reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1249. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1249 passed on second reading.

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1249. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1249 passed on third and final reading.

Complete text of Ordinance No. 1249 will be found in Ordinance Book No. 9 at page 283-284.

PUBLIC HEARING - AMENDING ORDINANCE NO. 1227 - SECTION 8-7 AND 8-12 - BUILDING INSPECTION PERMIT FEES

ORDINANCE NO. 1250 - AN ORDINANCE AMENDING SECTION 8-12 OF CHAPTER 8 OF THE CODE OF ORDINANCES ESTABLISHING BUILDING INSPECTION PERMIT FEES

3. A public hearing was held relative to amending Ordinance No. 1227, Section 8-7 and 8-12 relative to Building Inspection Permit Fees.

Mayor Trantham opened the public hearing at 4:27 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Lem Moore, Assistant Director of Inspections, said it was brought to the City's attention that the City of Asheville's fee schedule for building permits in Ordinance No. 1227 is inaccurate and not comparable to the County of Buncombe's fee schedule. He said Ordinance No. 1227 was written with the intent of reflecting a change in procedure that was recommended in the recent MICA study. This change should have reflected a general permit fee of 9¢ per square foot for new residential construction. However, inadvertently the ordinance was written to cover commercial as well as residential new construction. He said the proposed ordinance change will correct the inaccuracy and bring the fee schedule in comparison with the County of Buncombe.

Mayor Trantham closed the public hearing at 4:30 p. m.

The City Manager read the ordinance.

Councilwoman Price moved for the adoption of Ordinance No. 1250. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1250 passed on first reading.

Verl Emrick, Planning Director, read the following sections of the proposed ordinance which have been amended since the publication for the public hearing:

"Section 30-5-14 - AC Architectural Conservation District

- A. Purpose. The General Assembly of North Carolina has enacted N.C.G.S. 160A-395 to enable municipalities to enact ordinances to enhance the preservation and restoration of buildings of historic significance within their zoning jurisdiction. In furtherance of this purpose, the City of Asheville has created by Ordinance No. 1109 dated the 14th day of June, 1979, a Historic Resources Commission. From time to time it is anticipated that various properties and districts of historic significance in the City of Asheville will be designated as such by the Historic Resources Commission. Therefore, in order to enhance the preservation and restoration of such properties and in order to conserve the value of such buildings and to encourage the most appropriate use of such buildings in a manner consistent with public health and safety, this Ordinance is enacted."
- C. Property Subject to this Ordinance. Only properties that have been or hereafter are designated as historic properties by the Asheville-Buncombe Historic Resources Commission and the Asheville City Council in accordance with N.C.G.S. 160A-399.4 are subject to this Ordinance."

Vice-Mayor Morris moved for the adoption of Ordinance No. 1251, as amended and read by Mr. Emrick. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1251 passed on first reading.

ORDINANCE NO. 1246 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Property located at 22 Broad Street)

6. Consideration was given to the third reading of Ordinance No. 1246, an ordinance amending Ordinance No. 322 known as "An Ordinance providing for the Zoning of the City of Asheville", as amended, rezoning property located at 22 Broad Street.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1246 passed on third and final reading.

Complete text of Ordinance No. 1246 will be found in Ordinance Book No. 9 at page 279.

Vice-Mayor Morris moved to approve the site plan of the proposed "River Ridge Shopping Mall" to be located at I-240 and U S 74 subject to the requirements specified by the Planning and Zoning Commission. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING - CONTINUED - AMENDING ZONING ORDINANCE TO INCLUDE "ARCHITECTURAL CONSERVATION DISTRICT"

ORDINANCE NO. 1251 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Architectural Conservation District)

5. A public hearing relative to amending the Asheville Zoning Ordinance to include a new district entitled "Architectural Conservation District" continued.

Mayor Trantham said this public hearing was continued from the October 22, 1981 meeting.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at its meeting on October 7, 1981, considered an amendment to the Asheville Zoning Ordinance which would create a new district to be entitled "architectural conservation district." After review and discussion, the commission voted unanimously to recommend to City Council that the Asheville Zoning Ordinance be amended to include the "architectural conservation district." In order to enhance the preservation and restoration of historic properties and in order to conserve the value of such buildings and to encourage the most appropriate use of such buildings in a manner consistent with public health and safety this ordinance is proposed.

Mr. Emrick, in outlining the details of the ordinance said only properties that have been or hereafter designated as historic properties by the Asheville-Buncombe Historic Resources Commission and the City Council in accordance with N.C.G.S. 160A-399.4 are subject to this ordinance. The boundaries of the Architectural Conservation District shall be coextensive with the jurisdiction of the Zoning Ordinance. Because the designation of historic properties may create economic hardships for the owners of historic properties without special relief, conditional uses may be permitted as detailed in the ordinance. Any landowner, owning property which has been designated as a historical property by the Historic Resources Commission, may make application to the Planning and Zoning Commission for a permit to allow conditional uses in accordance with the ordinance. The Planning and Zoning Commission, at a public hearing duly advertised, shall consider the petition of the landowner and the Planning and Zoning Commission shall make its written recommendations as to the disposition of the petition to the City Council. The City Council, at a regularly scheduled public meeting, shall consider the petition and the recommendation of the Planning and Zoning Commission. Such action as the Council takes with respect to the petition shall be taken in the form of an ordinance duly advertised and enacted.

Mayor Trantham closed the public hearing at 5:03 p. m.

The Corporation Counsel ruled that since members of Council were furnished copies of the proposed ordinance, the ordinance would not have to be read in its entirety.

RESOLUTION NO. 81-246 - RESOLUTION IN MEMORY OF PHILIP N. SALES

Consideration was given to a resolution in memory of Philip N. Sales.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-246 was unanimously adopted.

Complete text of Resolution No. 81-246 will be found in Resolution Book No. 13 at page 93.

RALPH BISHOP - COMMENTS RE: WATER AGREEMENT AND LOTTERY SALES IN ASHEVILLE

Ralph Bishop asked whether or not the members of the Asheville-Buncombe Water Authority would be paid for their services.

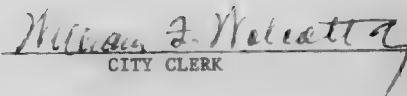
Vice-Mayor Morris informed Mr. Bishop that that issue had not been determined.

Mr. Bishop also made comments relative to J. V. Plemmons selling lottery tickets in the City of Asheville and Mr. Plemmons also having something to do with former Police Chief J. C. Hall receiving a pension.

ADJOURNMENT

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, the meeting adjourned at 5:25 p. m.


MAYOR


CITY CLERK

BUDGET AMENDMENTS - OPERATING AND CAPITAL PROJECTS BUDGETS - COMMUNITY DEVELOPMENT-
LEGAL SERVICES

7. Consideration was given to a motion approving budget amendments amending the City of Asheville Operating and Capital Projects Budgets as follows:

- A. Community Development - This budget amendment in the amount of \$28,000 is to set up a new project to be known as the YMI Building renovation. The YMI preservation project is an eligible activity as cited in the Federal Register entitled Administrative Regulations for CDBG funding, Section 570.202 Eligible Rehabilitation and Preservation activities part (f).
- B. Legal Services- This budget amendment in the amount of \$1,164.00 is to adjust legal services budgets for the recent change in the legal services program which established office hours for Corporate Counsel in the Department of Administration. There is no net affect on the City's budget as a result of this change.

The City Manager presented the budget amendments.

Councilman Wilkes moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Boland and carried unanimously.

INVITATION TO HILLCREST FOOTBALL TEAM AND PARADE HOMECOMING - OCTOBER 31, 1981

John Hayes, on behalf of the Hillcrest Youth invited members of Council to the Hillcrest Football Team and Parade Homecoming on October 31, 1981. He said this would be their Fourth Annual Homecoming Event and the parade would begin at 11:30 a. m. and the football game is scheduled at 1:00 p. m. at the Memorial Stadium.

CLAIMS - DEWEY MINYARD

The City Manager presented a claim received from Dewey Minyard.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

"HALLOWEEN HAUNTED HOUSES" - REPORT

The City Manager informed members of Council that all the discrepancies had been corrected at all three haunted houses being conducted in the City of Asheville and the houses are back in operation.

PETITION - RE: LIVINGSTON STREET DAY CARE CENTER

The City Manager presented a petition relative to the staffing at the Livingston Street Day Care Center. He informed Council that since this a County of Buncombe matter the petition would be forwarded to them.

units per acre); 2) Requested the staff to provide a report to the Commission by the November meeting on the effect of decreasing the density level (dwelling units per acre) to the recommended 6-8 units/acre for the R-2 District; 3) By consensus of the Commission a request to consider an additional petition containing approximately 37 acres of contiguous property was delayed until the November meeting.

Mr. Emrick said protest petitions against the rezoning of Kenilworth have been filed by Attorney James Gary Rowe on behalf of Richard C. Nailling, Grover Redmon, and Katherine H. Jarrett and by Attorney Harold K. Bennett on behalf of Alexander Investment Company, and several other property owners in the area. He said the Planning Staff's investigation of the protest petitions indicate that the petitions meet the requirements of Section 30-11-3 of the Asheville Zoning Ordinance and the applicability of the "3/4 rule". i.e., 20% valid protest indicate said rule does apply in this rezoning matter and in order for the rezoning petition as submitted or as modified by the Planning and Zoning Commission's recommendation to pass, six positive votes by City Council would be required.

Mr. Emrick said the area involved was developed under R-3 standards in 1948 when the zoning ordinance was established. He said the Planning Staff has determined that if the property is rezoned to R-1, approximately 62% of the lots would be in nonconformity. He said if the property is rezoned to R-2, as recommended by the Planning and Zoning Commission 26% of the lots would be in nonconformity.

Mr. Emrick said the residents of Kenilworth are not opposed to the R-2 zoning but are opposed to the density level requirements. He said it was indicated that a R-2 zoning with a lower density level of 4 units per acre would be an acceptable and reasonable compromise.

Mr. Emrick said in his opinion Council has the option of: 1) accepting the Planning and Zoning Commission's recommendation; 2) modifying the R-2 District by reducing the density level; 3) take action on the original petition and rezone the property to R-1; or 4) take no action and leave the property zoned as it is presently zoned.

A discussion was held relative to creating a "Mountainside Subdivision Ordinance" to apply to Asheville's hilly terrain and unique topography. It was the consensus of Council that staff present a draft of such an ordinance within the next two weeks. Such an ordinance could apply to the area in question in Kenilworth.

Upon inquiry of Council, Mr. Emrick said in his opinion, if Council rezoned the Kenilworth property to R-1 and denied the proposed "Sugartree" development, Council would be open for a law suit.

Augusta Young, Chairman of the Ad Hoc Committee of the Kenilworth Residents Association said the Kenilworth residents is not seeking the R-1 zoning district but the R-1 density level requirements. She said R-2 zoning with 10 units per acre would be suitable. She said the Kenilworth Residents Association is in favor of a "Mountainside Subdivision Ordinance" being established for the Kenilworth area. She said a density range of 4-8 units per acre would be more practical.

Thursday - November 5, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Walter R. Boland, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman F. Jack Cole.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 29, 1981 meeting.

Upon motion of Councilman Boland, seconded by Councilman Cole, the minutes of the October 29, 1981 meeting were approved as submitted.

RESOLUTION NO. 81-247 - RESOLUTION NOMINATING AND ENDORSING MAYOR ROY M. TRANTHAM FOR THE OFFICE OF THIRD VICE PRESIDENT OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES

2. Consideration was given to a resolution nominating and endorsing Mayor Roy M. Trantham for the office of Third Vice President of the North Carolina League of Municipalities.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, Resolution No. 81-247 was unanimously adopted.

Complete text of Resolution No. 81-247 will be found in Resolution Book No. 13 at page 94.

PUBLIC HEARING - REZONING PROPERTY IN THE KENILWORTH AREA

3. A public hearing was held relative to rezoning property in the Kenilworth area from R-3 to R-1 Residential District.

Mayor Trantham opened the public hearing at 4:12 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said on June 29, 1981, the City Council was presented a petition by the residents of Kenilworth on the matter of rezoning their property from R-3 Medium Density Residential District to R-1 Single Family Residential District. The petition was referred to the Planning and Zoning Commission for review and recommendation. The Asheville Planning and Zoning Commission at a meeting held on October 7, 1981, took the following action: 1) The Commission voted unanimously that the original petition be recommended to City Council for rezoning from R-3 Medium Density Residential District to R-2 Low Density Residential District at the density level permitted in the ordinance (10 dwelling

and suitable provision made for its continued maintenance and that any removal of graves within the property itself be at the developer's expense or the owners expense and that any removal be done pursuant to N.C.G.S. 65-13 or any other applicable ordinance or law. 2) Obtaining a maintenance easement for the small stream under the access road and 3) Compliance with the City's Erosion Control Ordinance.

Mr. Emrick said he had received a letter from Charles R. Craig with the Joseph Griggs Associates, Inc., Architects for the project, indicating that they have agreed to all the provisions specified by the Planning and Zoning Commission. He said the property is being proposed for the construction of a 152 unit apartment complex on 15.8 acres. He said water and sewer are available for the property.

A discussion was held relative to sewer back-up problems in Kenilworth. Tom Tarrant with the Water and Sewer Department said Mr. Charles Jones, Superintendent of Water Maintenance indicated, through a memorandum dated October 7, 1981, that the Water and Sewer Maintenance Division has received one sewer back-up problem in the last two years.

A further discussion was held between the residents of Kenilworth, the developers of the project, and Council members relative to the sewer lines proposed for the complex.

Mr. Emrick said the Planning staff had received traffic counts on Kenilworth Road and estimates indicate that the road has the capacity for handling the additional traffic from the proposed apartment complex.

Councilman Boland requested that Mr. Emrick obtain traffic counts on Kenilworth Road during peak periods, particularly between 7 and 9 a. m. and 4 to 6 p. m.

Jim Erwin with The Mark Companies of America, Inc. presented the site plan for the proposed "Sugartree" Apartment Complex. He said the project would be a \$6,000,000 project exclusive of the land. He said the project would be a valuable project for the community as well as the City. He said the project would add tax base to the City of Asheville.

Upon inquiry of Councilwoman Price, Mr. Craig said there would be an elevation buffer with the apartment buildings being higher.

Mr. Craig in reviewing the storm drainage system proposed for the apartment complex said the system would be entirely adequate. He said after the project is developed there will be 5% less drainage under Kenilworth Road than currently.

A discussion was held relative to the "detention ponds" proposed for the apartment complex.

Upon inquiry of Council, Mr. Craig said the streets in the project would be dedicated to the City. He said all factors being considered, in addition to grading lines, dictated where the buildings would be placed on the property.

Vice-Mayor Morris and Councilman Brownlee was excused from the meeting at 6:00 p. m.

Jim Erwin with The Mark Companies, developer of the proposed "Sugartree" apartment complex in Kenilworth, said they would concur with the R-2 zoning district which would be appropriate.

Ward Hendon, attorney representing Dr. Richard Nailling and Grover Redmon, spoke in opposition to rezoning Dr. Nailling and Mr. Redmon's property. He said assuming the "Sugartree" development is approved, his clients would still have 60 acres of unimproved land which would be restricted if rezoned. He said his clients, at the present time, do not have definite plans for development of the 60 acres. He said his clients object to having their property rezoned. He said, in his opinion, the Kenilworth community has shown no trend toward single family residences but rather to the contrary. He said the present zoning ordinance has many safeguards if and when plans are developed to improve the property. He said he was also concerned that the Planning and Zoning Commission is considering lowering the density level for the R-2 district. He said if the property is rezoned he would request that his client's property be excluded from the rezoning.

Harold Bennett, attorney representing Alexander Investment Company, spoke in opposition to the rezoning. He said in his opinion, which has proven to be true in the courts, that it is improper and illegal for Council to rezone someone's property without their permission. He said, on behalf of his client, he would protest and oppose any rezoning of the Alexander Investment Company property in Kenilworth. He also pointed out that in his opinion, Ordinance No. 1137, by which the Kenilworth rezoning petition was presented, would not allow or permit the Planning and Zoning Commission to modify the petition by changing the zoning requested. He said the law does not provide for the Planning and Zoning Commission to change the petition and in his opinion it can not be done.

Mayor Trantham closed the public hearing at 4:50 p. m.

Mayor Trantham advised that Council would take no action on the rezoning at today's meeting.

PUBLIC HEARING - SITE PLAN OF THE PROPOSED "SUGARTREE" APARTMENT COMPLEX

4. A public hearing was held relative to the site plan of the proposed "Sugartree" Apartment Complex.

Mayor Trantham opened the public hearing at 4:50 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Ver Emrick, Planning Director, said the Asheville Planning and Zoning Commission at a meeting held on September 9, 1981, reviewed the site plan of the proposed "Sugartree" Apartment Complex to be located west of Kenilworth and south of Digges Road. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions:

- i) That the grave sites as located and discovered on the property will at all times during construction be adequately protected and at the initial phase of construction a suitable fence 6' in height be constructed along the boundary of the historical easement as shown on the revised plat and submitted to the Commission. That further the maintenance of the fence be and remain with the owner of the property at all times

Verl Emrick, Planning Director, said the present moratorium on development in the Kenilworth area expired October 28, 1981. He said the proposed ordinance will allow for the extension of the moratorium on development in the Kenilworth area for 90 days.

Mayor Trantham closed the public hearing at 7:02 p. m.

Verl Emrick read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1252. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-0, Ordinance No. 1252 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1252. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1252 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1252. This motion was seconded by Councilwoman Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1252 passed on third and final reading.

Complete text of Ordinance No. 1252 will be found in Ordinance Book No. 9 at page 291-292

ORDINANCE NO. 1251 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Creation of Architectural Conservation District)

6. Consideration was given to the second reading of Ordinance No. 1251, an ordinance amending Ordinance No. 322, known as "an ordinance providing for the zoning of the City of Asheville" as amended, creating the Architectural Conservation District.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Planning Director, said he had sent copies of the proposed ordinance to Mack Day with the Grove Park Citizens Association and Kenneth Richards with the Historic Montford District and everyone seems to be in agreement with the proposed ordinance.

On a roll call vote of 5-0, Ordinance No. 1251 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1251. This motion was seconded by Councilman Boland and carried unanimously.

Attorney Ward Hendon, speaking on behalf of the developers, spoke in support of the "Sugartree" apartment complex. He said Asheville needs the \$6,000,000 project, the housing which it would provide, as well as the tax base it would bring to the City. He said the developers have met all requirements including stipulations from the Planning and Zoning Commission and the residents of Kenilworth. He presented a letter from the pastor and trustee of St. John A Baptist Church which indicated no objections to the building being built in the Kenilworth area.

Mr. George Gibson, a member of the St. John Baptist Church, indicated that the letter presented by Mr. Hendon was signed with the assumption that there would be 6 units per acre.

Mr. Kenneth Pankow, Engineer, said he was obtained by the Ad Hoc Committee of the Kenilworth Residents Association to do an indepth engineering evaluation of the "Sugartree" development. He presented and reviewed a lengthy document covering such areas as erosion control, traffic problems, project access, site suitability, and a summary of problems that need to be considered before approval of the site plan.

Mr. Charles Dent, a Kenilworth resident and civil engineer, spoke relative to the sewer problems anticipated with the "Sugartree" development.

Mr. Steve Kropelnicki, a resident of Kenilworth, said the proposed apartment complex is not in keeping with the character of the neighborhood. He said an 18% density increase in the neighborhood will affect the character of the neighborhood and this fact should not be ignored.

Councilman Cole moved to continue the public hearing until November 19, 1981, without further advertisement. This motion was seconded by Councilwoman Price and carried unanimously.

Councilman Cole said he felt it was imperative that the newly elected Council members attend the Council meetings relative to the Kenilworth issues since the issue may not be acted upon before they take office in December.

PUBLIC HEARING - ADOPTION OF ORDINANCE IMPOSING A MORATORIUM ON CONSIDERATION OF ANY REZONING REQUESTS AND ISSUANCE OF ZONING PERMITS FOR MULTI-FAMILY RESIDENTIAL USES IN THE KENILWORTH AREA

ORDINANCE NO. 1252 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE KENILWORTH AREA

5. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on consideration of any rezoning requests and issuance of zoning permits for multi-family residential uses in the Kenilworth area.

Mayor Trantham opened the public hearing at 6:59 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

At said referendum 4,627 votes were cast for the order adopted on September 17, 1981, authorizing not exceeding \$18,000,000 Redevelopment Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, to assist the Asheville Housing Authority in the acquisition of land and the improvement thereof in the carrying out by said Authority of the lawful functions and powers of a redevelopment commission of said City, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds and 7,925 votes were cast against said order, and, a majority of the qualified voters of said City who voted thereon at said referendum having voted against the approval of said order, said order was thereby not approved and is not in force and affect.

Council of the City of Asheville
North Carolina

Section 2. The City Clerk shall file a copy of the foregoing statement of the results of said referendum in his office and shall publish such statement once in The Asheville Citizen-Times. A statement substantially in the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after November 9, 1981.

Council of the City of Asheville
North Carolina

Section 3. This resolution, being a resolution directing administrative action, shall take effect immediately.

Roy M. Trantham
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Walter R. Boland, seconded by Councilman F. Jack Cole, the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON NOVEMBER 3, 1981 UPON THE QUESTIONS OF APPROVING \$40,000,000 BONDS" was passed by the following vote:

Ayes: Mayor Roy M. Trantham, Councilwoman Norma T. Price, Councilman F. Jack Cole, Councilman Walter R. Boland and Councilman H. C. Wilkes.

Noes: None

RESOLUTION NO. 81-248 - RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON NOVEMBER 3, 1981 UPON THE QUESTIONS OF APPROVING \$40,000,000 BONDS

The Council received from the County Board of Elections of Buncombe County a copy of the certified abstract of votes evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the City of Asheville on November 3, 1981 upon the questions of approving an order authorizing \$22,000,000 Parking Facilities Bonds and an order authorizing \$18,000,000 Redevelopment Bonds of said City.

After said abstract had been considered and reviewed by the Council, Councilman Boland introduced the following resolution which was read:

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON November 3, 1981 UPON THE QUESTIONS OF APPROVING \$40,000,000 BONDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The Council of the City of Asheville, having received from the County Board of Elections a copy of the certified abstract of votes evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the City of Asheville on November 3, 1981 upon the questions of approving an order authorizing \$22,000,000 Parking Facilities Bonds and an order authorizing \$18,000,000 Redevelopment Bonds of said City, does hereby declare and certify the results of said referendum to be the results which are set forth in the following statement of the results of said referendum which statement has been prepared by said Council:

STATEMENT OF THE RESULTS
of the
SPECIAL BOND REFERENDUM
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on November 3, 1981
UPON THE QUESTIONS OF APPROVING \$40,000,000 BONDS

At a special bond referendum held in the City of Asheville on November 3, 1981 25,067 voters were registered and qualified to vote.

At said referendum 4,584 votes were cast for the order adopted on September 17, 1981, authorizing not exceeding \$22,000,000 Parking Facilities Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for the construction of additional parking facilities of said City, including the construction of an off-street parking garage, the construction, reconstruction, or installation of related approaches, driveways, sidewalks, and utilities and the acquisition of any necessary equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 8,161 votes were cast against said order, and, a majority of the qualified voters of said City who voted thereon at said referendum having voted against the approval of said order, said order was thereby not approved and is not in force and affect.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, the consent agenda was unanimously approved.

RESOLUTION NO. 81-251 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRICE, WATERHOUSE & COMPANY TO CONTINUE SERVICES IN PROVIDING FINANCIAL ANALYSIS OF THE ASHEVILLE DOWNTOWN COMMERCIAL COMPLEX

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Price, Waterhouse and Company to continue services in providing financial analysis of the Asheville Downtown Commercial Complex.

The City Manager read the resolution explaining that the original contract with Price, Waterhouse and Company expired on April 1, 1981 and this resolution will authorize the extension of the agreement through the time Price Waterhouse has been providing services.

Upon motion of Councilwoman Price, seconded by Councilman Boland, Resolution No. 81-251 was unanimously adopted.

Complete text of Resolution No. 81-251 will be found in Resolution Book No. 13 at page 99.

CLAIMS - JOHN SHORT - DOROTHY MAE ALLEN - LAWSUIT - VIOLA McKINNEY WARD

The City Manager presented claims received from John Short and Dorothy Mae Allen and a summons in connection with the Viola McKinney Ward lawsuit.

Mayor Trantham referred the claims and the summons to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - MARINE CORPS WEEK - NOVEMBER 8 - 14, 1981

Mayor Trantham proclaimed the week of November 8 - 14, 1981 as "Marine Corps Week."

Councilwoman Price said the Asheville High ROTC ~~should~~ be recognized as they have again received awards for being the top in the region and second in the nation.

PUBLIC HEARING SCHEDULED - GRANT APPLICATION - UMTA - OPERATING ASSISTANCE

Councilwoman Price moved to schedule a public hearing for November 19, 1981 relative to the adoption of a resolution authorizing the City of Asheville to file a grant application with the Urban Mass Transportation Administration for Operating Assistance funds for the Transit Authority. The total amount of the application will be \$986,192 of which local share will be \$493,096 and federal share will be \$493,096. This motion was seconded by Councilman Wilkes and carried unanimously.

PROCLAMATION - FAMILY WEEK - NOVEMBER 22 - 28, 1981

Mayor Trantham proclaimed the week of November 22-28, 1981 as "Family Week."

Thereupon the resolution entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON NOVEMBER 3, 1981 UPON THE QUESTIONS OF APPROVING \$40,000,000 BONDS" was authenticated by the signing thereof of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

APPROVAL OF THE CONSENT AGENDA

9. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 81-249 - Resolution renaming "Smith Alley" to "Lawyer's Walk."

HIGHLIGHTS: A petition was received by Council from property owners in the area of an alleyway currently known as "Smith Alley" from Spruce Street to Market Street, to "Lawyer's Walk." It has been recommended that the request be granted.

Resolution Book No. 13 Page 97

- B. Resolution No. 81-250 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Terry Brothers Construction Company, Inc., for the project known as Forestdale 8-inch sewer line.

HIGHLIGHTS: On Monday, November 2, 1981, bids were opened on the Forestdale 8-inch sewer line. Terry Brothers Construction Company is the apparent low bidder for this contract.

Resolution Book No. 13 Page 98

- C. Approval of bids received October 26, 1981, to furnish the City with 3 inch, 4 inch, 6 inch size Turbo/turbine and Compound Water Meters.

HIGHLIGHTS: Five bids were received. Recommendation is to award the bid on a section by section basis to the low bidders meeting specifications as follows:

Neptune Water Meter Co.	\$6,199.20
Rockwell International	7,349.84
Pump & Lighting Co.	5,012.06
	<u>\$18,561.10</u>

DISCUSSION - ACTIONS TO BE TAKEN RELATIVE TO WATER DROUGHT CONDITIONS

The City Manager said the City staff feels there should be one or two phases implemented in dealing with the water drought conditions. He said a suggestion was introduced to Council in pre-council meeting of increasing water rates on a phase basis rather than going to a drastic reduction of sixty (60%) per cent of water consumption. He said he would like the suggestion circulated for about a week prior to Council considering adopting an ordinance relative to the suggestion.

ADJOURNMENT

Upon motion of Councilman Boland, seconded by Councilman Wilkes, the meeting adjourned at 7:35 p. m.

Raymond S. Sullivan *William J. Maricetta*
MAYOR

PROCLAMATION - YOUTH APPRECIATION WEEK - SECOND WEEK IN NOVEMBER, 1981

Mayor Trantham proclaimed the second week in November, 1981 as "Youth Appreciation Week."

DISCUSSION - STROUSE-GREENBERG COMPANY - MEMORANDUM OF UNDERSTANDING

The City Manager said there was a discussion in the pre-council meeting relative to the Memorandum of Understanding between the City of Asheville and Strouse-Greenberg Company. He said the Memorandum of Understanding described mutual services by both organizations. He said in previous Memorandum of Understandings the City has agreed to share certain costs up to a maximum of \$50,000. He said in the Memorandum of Understanding that was agreed to recently, that requirement was deleted as far as the City is concerned and a requirement was placed on Strouse-Greenberg to agree to the Memorandum of Understanding by November 2, 1981. He said Strouse-Greenberg did agree and sent a copy of the agreement back, however they have asked that the City reinstate the paragraph that dealt with the City's obligation to share in certain costs. He said he had agreed to submit their request to the Council, however, he would not recommend Council reinstating the paragraph as far as the City is concerned. He submitted the following request from Strouse-Greenberg, to be made a part of the record.

It was the consensus of Council to accept the recommendation of the City Manager relative to the Memorandum of Understanding with Strouse-Greenberg Company.

October 30, 1981

Mr. Kenneth M. Michalove, City Manager
CITY OF ASHEVILLE
P. O. Box #7148
Asheville, North Carolina 28807

RE: MEMORANDUM OF UNDERSTANDING

Dear Ken:

I herewith enclose three (3) copies of the new Memorandum of Understanding all copies of which have been executed on behalf of Strouse, Greenberg-Asheville Associates and have been acknowledged. Please note that Strouse, Greenberg-Asheville Associates is now the party to the document. The signed Memorandum of Understanding is being delivered to you with the express understanding that you will approach City Council next week to reinstate the provision contained in the previously executed Memoranda of Understanding regarding the City's obligation to share in certain costs up to a maximum of \$50,000 exposure to the City in the event that the City determines that the project should not proceed.

I further understand, that you will cause the documents to be executed on behalf of the City on November 2nd, and will then send a fully executed copy to me.

If City Council approves the conditions aforesaid, we can draft an appropriate addendum.

Sincerely,

STROUSE, GREENBERG AND COMPANY
Agent for
STROUSE, GREENBERG-ASHEVILLE ASSOCIATES

By Arthur B. Morgenstern
ARTHUR B. MORGENSTERN, ESQUIRE

ABM:m
Enclosures

EXPRESS MAIL

Vice-Mayor Morris closed the public hearing at 4:27 p. m.

Councilman Cole moved to approve the site plan of the proposed "Bi-Lo Shopping Center" subject to the stipulations by the Planning and Zoning Commission. This motion was seconded by Councilman Wilkes and carried unanimously.

PUBLIC HEARING - GROUP DEVELOPMENT - APARTMENT COMPLEX ON NANTAHALA STREET

3. A public hearing was held relative to the site plan of a proposed apartment complex to be located on Nantahala Street (previously known as the Carolina Avenue Apartments).

Vice-Mayor Morris opened the public hearing at 4:29 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at a meeting held on October 7, 1981, reviewed the site plan of a proposed apartment complex to be located on Nantahala Street (previously known as the Carolina Avenue Apartments). The complex is being developed by Western Carolina Housing, Inc., in concert with Blue Ridge Mental Health. Project is designed to provide residential facilities for handicapped individuals within a community setting. After review and discussion of the plan, the Commission voted to recommend approval to City Council subject to the following: (1) Compliance with the City's Erosion Control Ordinance; (2) Showing 16 additional spaces on the site that could be used for future parking if required.

By the use of a map, Mr. Emrick reviewed the location and description of the proposed project.

Larry Thompson, with the Blue Ridge Mental Health, said the WNC Housing Inc. will be managing the overall project. He said there would be eleven (11) units with 16 individuals in the apartment complex.

Mayor Trantham returned to the meeting and closed the public hearing at 4:32 p.m.

Mayor Trantham recognized the newly elected members of Council in attendance at the meeting, those being Mary Lloyd Frank, Joe Pless, and Gordon Myers.

Councilman Wilkes moved to approve the site plan of a proposed apartment complex to be located on Nantahala Street subject to the stipulations by the Planning and Zoning Commission. This motion was seconded by Councilman Cole and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY IN THE EAST END/VALLEY STREET PROJECT AREA

ORDINANCE NO. 1253 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to rezoning certain lots in the East End/Valley Street Project area.

Mayor Trantham opened the public hearing at 4:46 p. m.

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Thursday - November 12, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilmen F. Jack Cole, Harold F. Brownlee, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Norma T. Price and Councilman Walter R. Boland.

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 5, 1981 meeting.

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the minutes of the November 5, 1981 meeting were approved as submitted.

RECOGNITION OF POLICE CADETS

The City Manager recognized a group of police cadets in attendance at the Council meeting.

PUBLIC HEARING - BI-LO SHOPPING CENTER - GROUP DEVELOPMENT

2. A public hearing was held relative to the site plan of a proposed "Bi-Lo Shopping Center."

Mayor Trantham opened the public hearing at 4:20 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mayor Trantham temporarily turned the meeting over to Vice-Mayor Morris.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at a meeting held October 7, 1981, reviewed the site plan of a proposed "Bi-Lo Shopping Center" to be located on Leicester Highway. The site plan was prepared by Ralph J. Sherer and Associates, Tryon, N. C., Architects, for Bi-Lo, Inc., Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. He said after review and discussion of the plan, the Commission voted to recommend approval to City Council subject to compliance with the City's Erosion Control Ordinance. He said the project will consist of a 25,000 sq. ft. store, 10,500 sq. ft. drug store, and a 45,000 sq. ft. variety store. He said water and sewer are available to the site. He said there was only one concern expressed at the Planning and Zoning meeting, that being the runoff of water onto an adjoining property owner. He said the parking lot of the project is being designed to hold water in small portions allowing runoff to be slow.

Bill Ashley, with the project, said the sedimentation will be taken care of during construction and then the vegetation will take care of sedimentation.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Morris, Resolution No. 81-252 was unanimously adopted.

Complete text of Resolution No. 81-252 will be found in Resolution Book No. 13 at page 100 - 101.

ORDINANCE NO. _____ AN ORDINANCE REVISING REGULATIONS OF WATER USE DURING DROUGHT OR EMERGENCY CONDITIONS

6. Consideration was given to an ordinance revising regulations of water use during drought or emergency conditions.

The City Manager read the ordinance stating that the amendment would change the process for phasing in requirements during drought conditions to placing one or more rate increases into effect as the lake level drops, prior to implementing a percent cut back in water consumption on all customers.

The City Manager said phase 3 of the proposed ordinance was recommended by a subcommittee of the Water Authority and phase 4 is a staff recommendation. He said it has been the consensus to increase rates rather than have a drastic cut back in water consumption on all customers.

The City Manager compared the rates of residential users and industrial users with the proposed phases in the ordinance.

Councilman Wilkes said he felt phase 4, section 2 of the proposed ordinance ~~could be handled~~ better by the Water Authority. The City Manager responded that the reason the language was included in that section was due to the fact that the Water Authority does not actually take office until January 1, 1982 pursuant to the City/County Water Agreement.

It was the consensus of Council that the proposed ordinance should be publicized throughout the community and the Water Authority should review the ordinance before action is taken on the ordinance.

After discussion, Councilman Wilkes moved to table the ordinance for one week. This motion was seconded by Vice-Mayor Morris and carried unanimously.

BUDGET AMENDMENT - AMENDING CITY OF ASHEVILLE OPERATING BUDGET - CIVIC CENTER AND PARKS AND RECREATION

7. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

- A. General Fund - Civic Center - Parks and Recreation - This budget amendment in the amount of \$2,336 is to correct an error made on budget amendment no. 10-9 passed by City Council on October 29, 1981. The purpose of the amendment is to reallocate legal services budget in view of the change in the legal services program which established regular office hours for the Corporate Counsel. Budget motion 10-9 is hereby repealed.

The City Manager presented the budget amendments.

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The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said this was a housekeeping chore. He said this ordinance will rezone the lots in the East End/Valley Street Project area to conform with the redevelopment plan adopted by Council on May 25, 1978 when the site plan was adopted.

Mr. Emrick said he received a letter from Sue Evans, a property owner in the area, requesting that her lot, lot 12, remain zoned as it is currently zoned. He said all the property owners in the area have been notified of this rezoning consideration.

Mrs. Bowman, owner of Lot 94 on Hildebran Street, said she did not feel it would be desirable to rezone her property. She requested that her property remain zoned Commercial.

Mayor Trantham closed the public hearing at 4:53 p. m.

It was the consensus of Council to grant the request of Mrs. Evans and exclude Lot 12 from the rezoning.

Verl Emrick read the ordinance.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1253. This motion was seconded by Councilman Wilkes.

On a roll call vote of 5-0, Ordinance No. 1253 passed on first reading.

PUBLIC HEARING - AMENDMENT TO THE SEVENTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

5. A public hearing was held relative to the submission of an amendment to the Seventh Year Community Development Block Grant Application.

Mayor Trantham opened the public hearing at 5:02 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said on August 13, 1981, City Council approved a budget amendment amending the Community Development Budget reprogramming surplus funds in the amount of \$401,155. It was determined that the funds exceeded the amount City Council could reprogram without first amending the Seventh Year Community Development Block Grant Application.

Mayor Trantham closed the public hearing at 5:03 p. m.

RESOLUTION NO. 81-252 - RESOLUTION AMENDING THE CITY OF ASHEVILLE'S SEVENTH YEAR ENTITLEMENT APPLICATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Consideration was given to a resolution amending the City of Asheville's Seventh Year Entitlement Application for the Community Development Block Grant Program.

Verl Emrick read the resolution.

- A. Resolution No. 81-255 - Resolution authorizing the execution of a contract with the United States Department of Transportation for a grant under the Urban Mass Transportation Act of 1964, as amended.

HIGHLIGHTS: This is an annual grant to aid in financing various technical studies to implement specific work elements of the 1981-82 Asheville Urban Unified Work Program. The application has been approved in the maximum amount of Twenty-one Thousand Dollars (\$21,000).

Resolution Book No. 13 Page 106

- B. Resolution No. 81-256 - Resolution authorizing the Mayor to enter into a contract with the North Carolina Department of Transportation in support of Project No. 82-P-01.

HIGHLIGHTS: The Planning Department of the City of Asheville has requested the North Carolina Department of Transportation to provide 50 percent of the non-Federal costs of implementing specific items of the 1981-82 Asheville Urban Area Unified Work Program, UMTA Grant Number NC-09-0066 at a total cost of Twenty-Six Thousand, Two Hundred and Fifty Dollars (\$26,250.00) of which the non-Federal cost amounts to Five Thousand, Two Hundred and Fifty Dollars (\$5,250.00). The City of Asheville desires to provide the remaining 50 percent of the non-Federal cost in the form of in-kind services for the above Mass Transportation Project.

Resolution Book No. 13 Page 107

Upon motion of Councilman Cole, seconded by Councilman Brownlee, the consent agenda was unanimously approved.

DISCUSSION- RE: NORTH ASHEVILLE PARK FUNDS - COUNCILMAN BROWNLEE

Upon inquiry of Councilman Brownlee, the City Manager said the grant funds received for the construction of the North Asheville Park have been returned to the federal government.

CLAIMS - RUBY HAYES - WATER DEPT. EMPLOYEES - RUBY STYLES

The City Manager presented claims received from Ruby Hayes, Water Department Employees, and Ruby Styles.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO COUNCILMAN BROWNLEE AND POLICE DEPARTMENT

Ralph Bishop commented on the loss to the City of Councilman Brownlee as a Councilman and also commented on the operation of the Asheville Police Department.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the meeting adjourned at 5:45 p.m. *City Manager* Mayor *Trantham* Clerk *Wright*

Councilman Cole moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 81-253 - RESOLUTION ESTABLISHING A POLICY FOR COLLECTION OF DEMOLITION LIENS

8. Consideration was given to a resolution establishing a policy for collection of demolition liens.

The City Manager read the resolution explaining that Section 443 of Chapter 160A of the North Carolina General Statutes allows the City of Asheville to demolish structures which are substandard and beyond repair. The statute allows the cost of such demolition work to be assessed against the property upon which the structure is located. The proposed policy reflects an 8% per annum interest rate on uncollected charges and changes the time at which the lien is placed from the time of completion of the work to the end of the 90 day period allowed for payment.

Upon motion of Vice-Mayor Morris, seconded by Councilman Wilkes, Resolution No. 81-253 was unanimously adopted.

Complete text of Resolution No. 81-253 will be found in Resolution Book No. 13 at page 102 - 104.

RESOLUTION NO. 81-254 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE BUNCOMBE WATER AUTHORITY (Ralph D. Morris, Jr., Wilhelmenia Bratton, Charles Mills)

9. Consideration was given to a resolution appointing members to the Asheville-Buncombe Water Authority.

The City Manager read the resolution appointing Mr. Ralph D. Morris, Jr., Wilhelmenia Bratton and Charles Mills as members of the Asheville-Buncombe Water Authority.

Upon motion of Councilman Wilkes, seconded by Councilman Brownlee, Resolution No. 81-254 was unanimously adopted, with Vice-Mayor Morris abstaining.

Complete text of Resolution No. 81-254 will be found in Resolution Book No. 13 at page 105.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS
"AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED
(Property located in Kenilworth Area)

3. Consideration was given to an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" as amended, rezoning property located in Kenilworth area.

Note: A public hearing was held on this matter on November 5, 1981.

Attorney Ward Hendon, representing The Mark Companies, Developers of the proposed "Sugartree" apartment complex in Kenilworth, said it is his understanding that the developers of the Sugartree project presented members of Council with detailed information relative to the project on Tuesday, November 17, 1981. He said the developers of the project were unable to attend today's Council meeting. He said the opposing property owners of the rezoning request have no objections to the postponing of the rezoning of Kenilworth.

Augusta Young, Chairman of the Ad Hoc Committee of the Kenilworth Residents Association said this issue has been going on a long time. She said the residents of Kenilworth would like for the property to be rezoned to R-2 with a density requirement of 10 units per acre and would like to see Sugartree built at 6 units per acre. She requested a decision of Council relative to rezoning the property at this meeting.

Jim Erwin with The Mark Company said the developers would be happy to furnish members of Council with additional information relative to the Sugartree project if Council so desired.

After discussion, Councilman Boland moved to table this ordinance. This motion was seconded by Councilwoman Price and carried on a voice vote of 6-1, with Councilman Cole voting "no."

CONTINUATION OF PUBLIC HEARING - SITE PLAN OF THE PROPOSED "SUGARTREE" APARTMENT COMPLEX

4. A public hearing relative to the site plan of the proposed "Sugartree" Apartment Complex was continued.

After a brief discussion, Councilman Boland moved to continue the public hearing, without further advertisement. This motion was seconded by Councilman Wilkes and carried on a voice vote of 6-1, with Councilman Cole voting "no."

ORDINANCE NO. 1253 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (property in the East End/Valley Street Project area)

5. Consideration was given to the second reading of Ordinance No. 1253, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the East End/Valley Street Project area.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Thursday - November 19, 1981 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr., Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 12, 1981 meeting.

Upon motion of Councilman Cole, seconded by Councilwoman Price, the minutes of the November 12, 1981 meeting were approved as submitted.

PUBLIC HEARING - GRANT APPLICATION WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION - OPERATING ASSISTANCE FUNDS FOR ASHEVILLE TRANSIT AUTHORITY

RESOLUTION NO. 81-257 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

2. A public hearing was held relative to the adoption of a resolution authorizing the City of Asheville to file a grant application with the Urban Mass Transportation Administration.

Mayor Trantham opened the public hearing at 4:04 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Ownbey of the Planning Staff, said this annual grant is for operating assistance funds for the Asheville Transit Authority. The total amount of the application will be \$986,192 of which local share will be \$493,096 and federal share will be \$493,096.

Mayor Trantham closed the public hearing at 4:07 p. m.

The City Manager read the resolution.

Upon motion of Vice-Mayor Morris, seconded by Councilwoman Price, Resolution No. 81-257 was unanimously adopted.

Complete text of Resolution No. 81-257 will be found in Resolution Book No. 13 at page 108-109.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1254. This motion was seconded by Councilwoman Price.

On a roll call vote of 5-2, Ordinance No. 1254 passed on first reading with Councilman Wilkes and Councilman Brownlee voting "no."

Councilman Wilkes said he would be in favor of the Water Authority reviewing the ordinance again and receive a recommendation relative to the residential users.

Vice-Mayor Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 1254. This motion was seconded by Councilwoman Price and carried on a voice vote of 5-2, with Councilman Wilkes and Councilman Brownlee voting "no."

On a roll call vote of 5-2, Ordinance No. 1254 passed on second reading with Councilman Wilkes and Councilman Brownlee voting "no."

Vice-Mayor Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1254. This motion was seconded by Councilman Boland and carried on a voice vote of 5-2, with Councilman Wilkes and Councilman Brownlee voting "no."

On a roll call vote of 5-2, Ordinance No. 1254 passed on third and final reading with Councilman Wilkes and Councilman Brownlee voting "no."

Complete text of Ordinance No. 1254 will be found in Ordinance Book No. 9 at page 295-297.

Councilwoman Price requested that the Water Authority consider an amendment to the ordinance and make a recommendation to Council relative to the minimum and residential users.

BIDS - REHABILITATION OF CHUNNS COVE BRIDGE OVER ROSS CREEK

RESOLUTION NO. 81-258

7. Consideration was given to bids received November 13, 1981 for rehabilitation of Chunns Cove Bridge over Ross Creek.

The City Manager presented the bids stating that three (3) bids were received. Recommendation of acceptance of the low bid submitted by Mountain Shore Construction Company in the amount of \$26,686.50.

The City Manager read a resolution awarding the contract to Mountain Shore Construction Company.

Upon motion of Councilman Wilkes, seconded by Councilwoman Price, Resolution No. 81-258 was unanimously adopted.

Complete text of Resolution No. 81-258 will be found in Resolution Book No. 13 at page 110.

VICE-MAYOR MORRIS - COUNCILMAN COLE - COMMENTS OF APPRECIATION

Vice-Mayor Morris and Councilman Cole expressed their appreciation for having served the City of Asheville and for the cooperative spirits of members of Council.

On a roll call vote of 7-0, Ordinance No. 1253 passed on second reading.

Councilwoman Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1253. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1253 passed on third reading.

Complete text of Ordinance No. 1253 will be found in Ordinance Book No. 9 at page 293-294.

ORDINANCE NO. 1254 - AN ORDINANCE REVISING REGULATIONS OF WATER USE DURING DROUGHT OR EMERGENCY CONDITIONS

6. Consideration was given to an ordinance revising regulations of water use during drought or emergency conditions.

The City Manager read the ordinance stating that this amendment would change the process for phasing in requirements during drought conditions to placing one or more rate increases into effect as the lake level drops, prior to implementing a percent cut back in water consumption on all customers. This ordinance replaces an ordinance adopted October 15, 1981 that called for voluntary conservation measures until the reservoirs reached a combined measure of 40 feet below spillway level. At that point all water users would have been ordered to reduce their consumption by 40 percent.

Ralph Bishop spoke in opposition to any water rate increases.

A spokesman for Memorial Mission Hospital and St. Joseph's Hospital requested that their facilities be exempt from the increase proposed in the ordinance, stating that water is vital to health care services.

Vice-Mayor Morris said he would prefer the proposed ordinance rather than the existing ordinance for drastic reductions in water consumption.

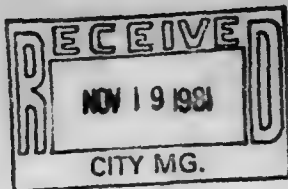
Councilman Wilkes spoke in opposition to the proposed ordinance stating that the City would have greater conservation on a voluntary basis. He questioned the need to raise residential rates and he wanted to see special consideration given to "exceptional cases" such as hospitals and health care facilities as well as residential users.

Councilwoman Price expressed concern relative to the minimum residential users. She said she felt the Water Authority should study the issue more and come up with additional suggestions, particularly for the residential users.

Councilman Brownlee spoke in opposition to the proposed ordinance stating that voluntary conservation efforts would prove successful.

Vice-Mayor Morris noted that the proposed ordinance would not go into effect until the water system's two reservoirs reach a combined measure of 45 feet below spillway level and the rate increases would remain in effect until June 30, 1982 or until the combined reservoir level climbs to 20 feet below spillway. He also noted that it costs more to supply water when the water levels drop.

The City Manager compared the proposed rate increases with present rates.



J. K. MacKendree Day
76 Kimberly Avenue
Asheville, North Carolina 28804
November 19, 1981

Mr. Kenneth Michalove
City Manager
City Hall
Asheville, North Carolina 28807

Dear Ken:

In accordance with my conversation with you I wish to state to you and City Council the Grove Park Sunset Citizens Association's primary objections to the recently enacted Ordinance No. 1251 amending the zoning code to provide for an Architectural Conservation District. Please be advised that these objections are also the individual objections of a number of our members residing in the Grove Park area.

First and foremost we object to the fact that the Ordinance was enacted without any input from those residents, or any residents, potentially affected by the operation of the Ordinance - particularly after we were assured publicly of the opportunity for such input in the zoning matter giving rise to the issue, and particularly in light of the former controversy involving the execution of the Consent Decree relative to the Manor - all of which you and the Council members are well aware. I can't begin to verbalize the feelings of distrust and lack of confidence which are being vented by the residents in our Association's area. You and I both know how hard we worked to repair the ill-will which resulted from the Consent Decree - all of which helped to restore confidence in both the parties involved and the process itself. Needless to say that good will is again questioned and for reasons which admittedly are hard to deny or reject.

There was no publicity given to the consideration of the Ordinance by either the Planning and Zoning Commission or the Council - no hearings with citizen input - and no reporting of action taken by either body. Further the Association was advised of the Ordinance for the first time a couple of days before the second hearing - really too late for any input and hardly sufficient time to agree on, or orchestrate any coordinated response

311

COUNCIL MEETING - NOVEMBER 26, 1981 - NO MEETING

Councilman Cole moved that there be no Council meeting on Thursday, November 26, 1981 as this would be Thanksgiving Day. This motion was seconded by Councilman Wilkes and carried unanimously.

PROCLAMATION - BIBLE WEEK - NOVEMBER 22 - 29, 1981

Mayor Trantham proclaimed the week of November 22-29, 1981 as Bible Week.

CLAIMS - MARY SMITH - HAROLD TALBERT - J. H. McMINN

The City Manager presented claims received from Mary Smith, Harold Talbert, and J. H. McMinn.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

CORRESPONDENCE - RE: ORDINANCE NO. 1251 - CREATING ARCHITECTURAL CONSERVATION DISTRICT

The City Manager read the following correspondence:

MEMORANDUM

TO: Kenneth Michalove, City Manager
FROM: Verl R. Emrick, Jr., Planning Director
SUBJECT: Architectural Conservation District -
Attached Correspondence dated 11/19/81
DATE: November 19, 1981

First, I recognize that I have made a major mistake in advising Council and yourself that in my assessment there was not concern about the ordinance captioned. This mistake is the source of considerable embarrassment to City Council and yourself. An embarrassment which is/was unnecessary and for this I accept total responsibility and sincerely apologize.

Secondly, the attachment while accurate in the main proper legal notification was done both for the Planning Commission's and for City Council's hearing. However, given the concerns expressed, the City may wish to modify the ordinance in some way or as the correspondence suggests repeal it altogether.

Finally and again, the responsibility for the error is clearly mine, even though made with no malice, and I apologize to both the Council and the Community.

Please advise of the wishes of City Council in this matter.

Verl

VREJR/nr
Enclosure

The City Manager said an error was made in misleading Council relative to citizen input relative to the ordinance and perhaps Council would like to schedule a public hearing relative to Ordinance No. 1251.

Councilwoman Price moved to schedule a special meeting and a public hearing for 2:00 p. m., December 3, 1981 for the sole purpose of conducting a public hearing to consider rescinding Ordinance No. 1251. This motion was seconded by Councilman Cole and carried unanimously.

COMMENTS BY NEWLY ELECTED COUNCILMAN LARRY McDEVITT

Newly-elected Councilman, Larry McDevitt, extended his appreciation to the members of Council for the courtesies shown him since the election and thanked them for serving the City of Asheville.

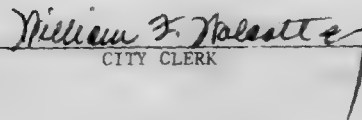
RALPH BISHOP - COMMENTS: APPOINTMENT OF CITY MANAGER, CORPORATION COUNSEL, CITY CLERK
OBTAINING CITY RECORDS - LOTTERY SALES

Ralph Bishop made comments relative to the appointments of the City Manager, Corporation Counsel and City Clerk, as well as his difficulty in obtaining city records. He also commented on the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion of Councilman Cole, seconded by Vice-Mayor Morris, the meeting adjourned at 6:00 p. m.


MAYOR


CITY CLERK

November 19, 1981

prior to the hearing. There was of course no separate third hearing. Of more importance, however, was that the limited notice came at the end of the process, not at the initial drafting and formulation stage where input was not only promised, but crucial in order to avoid future controversy about an Ordinance which has the potential for affecting every zoning classification of the city. In addition the Historic Resources Commission - a key element in the Ordinance also received notice at the end of the process. It simply is neither fair nor right, and our members, as I suspect other Citizen Associations will be, are justifiably angry.

Second, and of equal concern with the manner in which it was enacted, is the arguable circuitry of the language within the Ordinance itself. The Ordinance has the potential of affecting the character of any area. A property may be given a use totally alien to surrounding uses regardless of the zoning district in which it lies. The defense to such statement is that such use may be restricted and conditioned to limit the use to protect the predominant character of the area. However by the same language itself as adopted - the right to restrict or condition is only granted so long as such limitations are consistent with the intent of the provisions giving relief i.e. the language gives a crucial qualification to the expanded power and then through the circuitry of the language takes it away. [See Provision 2 E (2 and 3)]. If the restriction had been meant to stand, then logically a period would have been placed after "appropriate" in provision 2 E (3) - all of which should have been pointed out, discussed and argued with the drafting entity.

Obviously our Association is more currently affected by this Ordinance than others. Nevertheless it is a powerful Ordinance with tremendous potential for controversy from others. Why then must the controversy always come after the fact? Why can't the appropriate parties learn from past mistakes and handle these matters in a fair and sensible manner. We ask you to forward this letter to Council members, and we urge the Council to repeal its ill-advised action and reconsider the matter with the appropriate citizen input at Planning and Zoning where it belongs. This is an important issue - What is there to hide!

Very truly yours

J. K. MacKendree
J. K. MacKendree Day
President, Grove Park Sunset
Citizen Association

JKMD/dp

The ordinance is very loosely worded and open to several interpretations. Every effort seems to be bent toward keeping the owner of a historic building happy no matter what price may be paid by the neighborhood. Conceivably, people would be tempted to buy old historic buildings knowing that they could set up businesses which would in no way be tolerated in a more modern building in a residential area. While this would probably give older buildings a different value, the surrounding homes would be devalued as a result.

We believe the ordinance should be repealed. We would like to see a new ordinance drafter with several safeguards included for the entire neighborhood.

We ask the City Council to give serious consideration to this problem. The ill effects of a hasty decision could be felt in Kenilworth and many other areas of our city.

Sincerely yours,

/s/ Augusta W. Young
Augusta W. Young
Kenilworth Residents Association

Doug Swain, Historic Preservationist with the North Carolina Department of Archives and History said he felt the ordinance is a valuable tool and the ordinance should be brought back to Council for consideration in the near future and receive citizen input in the ordinance.

Grace Pless, Chairman of the Historic Resources Commission, spoke in support of Ordinance No. 1251. She read the following resolution adopted by the Executive Committee of the Historic Resources Commission on December 2, 1981:

RESOLUTION

WHEREAS, the Asheville City Council on November 5, 1981 adopted Ordinance No. 1251 which amended the Asheville Zoning Ordinance No. 322 L, adding the Architectural Conservation District.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY:

That it recognizes the usefulness of the Architectural Conservation District as a method to achieve the economic redevelopment of several isolated historic properties throughout the zoning jurisdiction of Asheville and therefore recommend that it be retained.

This the second day of December, 1981.

Motion made by: Tom Steitler
Seconded by: Bruce Greenawalt

/s/ Grace Y. Pless
Grace Pless
Chairman

315
Special Meeting - December 3, 1981 - 2:00 p. m.

Special Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Ralph D. Morris, Jr. Councilwoman Norma T. Price, Councilmen F. Jack Cole, Harold F. Brownlee, Walter R. Boland and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

PUBLIC HEARING - RESCINDING ORDINANCE NO. 1251, AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE,"
AS AMENDED, CREATING THE ARCHITECTURAL CONSERVATION DISTRICT

ORDINANCE NO. 1255 - AN ORDINANCE REPEALING ORDINANCE NO. 1251, (REGARDING THE AC ARCHITECTURAL CONSERVATION DISTRICT OF ZONING ORDINANCE NO. 322)

1. A public hearing was held relative to consideration of rescinding Ordinance No. 1251, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended, creating the Architectural Conservation District.

Mayor Trantham opened the public hearing at 2:03 p. m.

The City Manager presented the notice to the public setting the time and day of the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said he had received a copy of a letter sent to Mayor Trantham from Mr. Mac Day relative to the adoption of Ordinance No. 1251. He said in view of the concerns expressed relative to the ordinance he would recommend that, for the present time, the ordinance be rescinded rather than trying to amend the ordinance. He said the ordinance can be brought back at a later date for readoption.

Dr. Kruger, read the following letter from the Kenilworth Residents Association:

360 Kenilworth Road
Asheville, N.C. 28805
December 2, 1981

Mayor Roy M. Trantham
City Hall Building
Asheville, NC 28807

Dear Mayor Trantham:

The Kenilworth Residents Association wishes to express to the entire Asheville City Council their concern about Ordinance No. 1251 dealing with an Architectural Conservation District. We are in complete agreement with the Grove Park Sunset Citizens Association in this matter.

She said the Historic Resources Commission has recommended that the ordinance be retained.

Vice-Mayor Morris commented that he would like the new Council to consider another ordinance similiar to Ordinance No. 1251 using the same context.

Mayor Trantham closed the public hearing at 2:08 p. m.

Vice-Mayor Morris moved for the adoption of Ordinance No. 1255. This motion was seconded by Councilman Boland.

On a roll call vote of 7-0, Ordinance No. 1255 passed on first reading.

Councilwoman Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1255. This motion was seconded by Councilman Boland and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1255 passed on second reading.

Councilman Cole moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1255. This motion was seconded by Councilman Boland and carried unanimously.

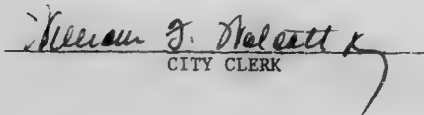
On a roll call vote of 7-0, Ordinance No. 1255 passed on third and final reading.

Complete text of Ordinance No. 1255 will be found in Ordinance Book No. 9 at page 298.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilman Cole, the meeting adjourned at 2:10 p. m.


MAYOR


CITY CLERK

Councilman Wilkes moved that the nominations be closed. This motion was seconded by Councilman Pless and carried unanimously.

Norma T. Price was unanimously elected as Vice-Mayor of the City of Asheville.

RESOLUTION NO. 81-259 - RESOLUTION OF APPRECIATION TO WALTER R. BOLAND

3. Consideration was given to a resolution of appreciation to Walter R. Boland.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman Wilkes, Resolution No. 81-259 was unanimously adopted.

Complete text of Resolution No. 81-259 will be found in Resolution Book No. 13 at page 111.

Mayor Trantham presented Walter R. Boland with a copy of the resolution of appreciation, an appreciation plaque and his name plate.

RESOLUTION NO. 81-260 - RESOLUTION OF APPRECIATION TO HAROLD F. BROWNLEE

4. Consideration was given to a resolution of appreciation to Harold F. Brownlee.

The City Manager read the resolution.

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 81-260 was unanimously adopted.

Complete text of Resolution No. 81-260 will be found in Resolution Book No. 13 at page 112.

Mayor Trantham presented Harold F. Brownlee with a copy of the resolution of appreciation, an appreciation plaque and his name plate.

RESOLUTION NO. 81-261 - RESOLUTION OF APPRECIATION TO F. JACK COLE

5. Consideration was given to a resolution of appreciation to F. Jack Cole.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 81-261 was unanimously adopted.

Complete text of Resolution No. 81-261 will be found in Resolution Book No. 13 at page 113.

Mayor Trantham presented F. Jack Cole with a copy of the resolution of appreciation, an appreciation plaque and his name plate.

Thursday - December 3, 1981 - 4:00 p. m.

Organizational Meeting

INVOCATION

The invocation was given by M. C. Hickman, Pastor of the Berry Temple United Methodist Church.

OATHS OF OFFICE

The members of the Council took the oath of office, individually, which oath was administered by Judge Robert D. Lewis. The oaths were administered as follows:

Gordon Myers
H. C. Wilkes
Mary Lloyd Frank
Roy M. Trantham
Norma T. Price
Larry S. McDevitt
Paul Joseph Pless

ELECTION OF THE MAYOR

1. Mayor Trantham, acting as Chairman of the Organizational Meeting, opened the floor for nominations of Mayor of the City of Asheville.

Councilwoman Mary Lloyd Frank nominated Roy M. Trantham as Mayor of the City of Asheville.

Councilman Joe Pless nominated Gordon Myers as Mayor of the City of Asheville.

Councilman Wilkes moved that the nominations be closed. This motion was seconded by Councilwoman Price and carried unanimously.

Upon a voice vote of 5-2, Roy M. Trantham was elected Mayor of the City of Asheville, with Councilman Pless and Councilman Myers voting "no."

ELECTION OF THE VICE-MAYOR

2. Mayor Trantham then opened the floor for nominations of Vice-Mayor of the City of Asheville.

Councilman Wilkes nominated Norma T. Price as Vice-Mayor of the City of Asheville.

Councilman Myers nominated Mary Lloyd Frank as Vice-Mayor of the City of Asheville.

Councilwoman Frank declined the nomination of Vice-Mayor of the City of Asheville.

Thursday - December 3, 1981 - 5:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 19, 1981 meeting.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Price, the minutes of the November 19, 1981 meeting were approved as submitted.

BIDS - 100 FIRE HYDRANTS FOR WATER AND SEWER DEPARTMENT

2. Consideration was given to bids received November 18, 1981, to furnish the City of Asheville Water and Sewer Department with 100 fire hydrants.

The City Manager presented the bids and the recommendation of the Purchasing Director stating that six (6) bids were received and a recommendation has been received to accept the low bid submitted by Pump and Light Company in the amount of \$35,366.55. He said sufficient funds are available in Water and Sewer Department appropriation.

Councilman Myers moved to accept the recommendation of the Purchasing Director and award the bid to Pump and Light Company in the amount of \$35,366.55. This motion was seconded by Councilwoman Frank and carried unanimously.

BIDS - COMPUTER MEMORY AND DISK DRIVE STORAGE - DATA PROCESSING DIVISION

3. Consideration was given to bids received November 30, 1981 to furnish the City of Asheville with computer memory and disk drive storage.

The City Manager presented the bids stating that one bid was received from the Burroughs Corporation. The equipment requested is to expand the computer system known as the Criminal Justice Information System (CJIS). This equipment will be installed into equipment already owned by the City and manufactured by the Burroughs Corporation. Tom Stranberg, Director of Data Processing has reviewed the bid and has determined that the proposal meets our specifications. The cost is under the original estimate and appears competitive with the market for equipment of this type. Recommendation to award a contract to the Burroughs Corporation to furnish computer memory and disk drive in the total amount of \$30,462.00. Sufficient funds for this purchase are available from CJIS- Phase III grant, account code 67-913-074.

Councilwoman Frank moved to accept the bid of Burroughs Corporation in the amount of \$30,462. This motion was seconded by Vice-Mayor Price and carried unanimously.

001

RESOLUTION NO. 81-262 - RESOLUTION OF APPRECIATION TO RALPH D. MORRIS, JR.

6. Consideration was given to a resolution of appreciation to Ralph D. Morris, Jr.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Price, Resolution No. 81-262 was unanimously adopted.

Complete text of Resolution No. 81-262 will be found in Resolution Book No. 13 at page 114.

Mayor Trantham presented Ralph D. Morris, Jr., with a copy of the resolution of appreciation, an appreciation plaque and his name plate.

RESOLUTION NO. 81-263 - RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

7. Consideration was given to a resolution designating banking depositories for city funds.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 81-263 was unanimously adopted.

Councilman McDevitt did not vote on this resolution as his law firm represents some of the banking institutions used by the City of Asheville.

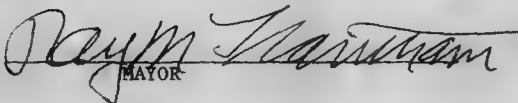
Complete text of Resolution No. 81-263 will be found in Resolution Book No. 13 at page 115.

COUNCIL MEMBERS INTRODUCE FAMILIES AND FRIENDS

The Council members introduced their families and friends in attendance at the meeting.

ADJOURNMENT

Mayor Trantham adjourned the Organizational meeting and called for a brief recess before opening the regular meeting of December 3, 1981.


MAYOR


CITY CLERK

The City Manager also read the following letter from Mr. Bob Turner:

SIX ASSOCIATES
INCORPORATED
ARCHITECTS ENGINEERS PLANNERS

PRINCIPALS
WILLIAM B. McGENEE, A.I.A.
JOHN D. ROGERS, JR., A.I.A.
ROBERT E. TURNER, P.E.

SENIOR ASSOCIATE
ROBERT J. SCHELL, P.E.

704 274-1551
1055 HENDERSONVILLE ROAD
BOX 5594
ASHEVILLE, N.C.
28813

ASSOCIATES
THOMAS F. BRIDGES, A.I.A.
JOHN BROADBENT, A.I.A.
ROBERT M. CAIN, R.A.
HAROLD D. GARREN, P.E.
ALBERT B. JOHNSON, A.I.A.
JAMES H. LORICK, JR., P.E.
EDWARD W. MCANTS, P.E.
MARSHALL B. ROBERTS, R.A.

December 2, 1981

Mr. K. M. Michalove
City Manager
City of Asheville
PO Box 7148
Asheville, NC 28807

Technical Consulting Services
Asheville-Buncombe Water Authority

Dear Mr. Michalove:

Pursuant to the Asheville-Buncombe Water Authority's actions of December 1, 1981, we propose to serve as its consultant in the evaluation of proposals for development of water resources and treatment facilities.

Our services will consist of review of each of the proposals received to date and assisting the staff with presenting the Authority with a comparison of the proposals, identifying the common and dissimilar features of each.

Our review of the proposals will not entail verification of technical or economic features therein.

Our fee, as compensation for our services, shall be computed at the hourly personnel rates stated on the enclosed schedule dated April 15, 1981. However, the total amount of fee to be paid us shall not exceed \$2,000 unless otherwise authorized by you.

We expect to proceed with our services promptly and welcome this opportunity to assist the Authority.

Sincerely,

SIX ASSOCIATES, INC.

Robert E. Turner
Robert E. Turner

RET/s
enclosure

cc: Mr. Floyd D. Brock

22

RESOLUTION NO. 81-264 - RESOLUTION IN SUPPORT OF THE SOAP BOX DERBY

4. Consideration was given to a resolution in support of the Soap Box Derby.

The City Manager read the resolution stating that the West Asheville Rotary Club desires to establish the All American Soap Box Derby as an activity for youth, their families, and the community which enhances the quality of life and promotes the City of Asheville as the site for this event. The Asheville Revitalization and Economic Development Commission at its November 17, 1981, meeting endorsed and pledged its cooperation and urged the support of the City Council.

Upon motion of Councilman Wilkes, seconded by Councilman McDevitt, Resolution No. 81-264 was unanimously adopted.

Complete text of Resolution No. 81-264 will be found in Resolution Book No. 13 at page 116.

ASHEVILLE-BUNCOMBE WATER AUTHORITY - REQUEST FOR EXPENDITURE OF FUNDS - ROBERT E. TURNER AS CONSULTANT

The City Manager read the following letter from the Asheville-Buncombe Water Authority:

William DeBruhl - Director
WATER AND SEWER SERVICES

December 1, 1981

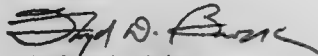
Mr. Kenneth M. Michalove
City Manager
P.O. Box 7148
Asheville, North Carolina 28807

Dear Ken,

As you know, the Asheville/Buncombe Water Authority met this morning and heard presentations by engineering firms on their individual proposals for further utilization of the Bee Tree/North Fork water source. Due to the different alternative solutions offered by the various engineers, the Authority felt it was in our mutual best interest to engage a technical consultant to evaluate these proposals.

As I understand the terms of the Water Agreement, the Asheville/Buncombe Water Authority cannot legally engage a technical consultant until January 1, 1982. Therefore, a motion was passed unanimously by the Authority to ask the City Council to approve an expenditure of funds not to exceed \$10,000 from water revenues to hire Mr. Bob Turner as this technical consultant. I would appreciate it if you would submit this request to the City Council on December 3, 1981, for their consideration.

Sincerely,


Floyd Brock, Chairman
Asheville/Buncombe
Water Authority

FB/TLM/DS

cc: Asheville/Buncombe Water Authority Members
William DeBruhl, Director of Water and Sewer Services

JOHN HARRISON - HARRISON PEST CONTROL - PEST CONTROL BID FOR CITY OF ASHEVILLE

Mr. John Harrison, with Harrison Pest Control Company, said he recently submitted a bid, along with six (6) other bidders, for pest control services for the City of Asheville. He said the high bid was \$6,276 and his bid, which was the low bid, was \$3,144. He said the company who was awarded the bid submitted a bid of \$3,691. He said he received an explanation as to why he was not awarded the bid. He said he was told that he had not been in business long enough in the City of Asheville. He asked who is responsible for selecting the bidders and who determines the qualifications of the bidder. He said he has worked in pest control for a number of years and holds a state license.

The City Manager responded that these types of contracts are awarded on a departmental basis but he would look into the complaint and give Mr. Harrison, as well as Council, a report on the complaint.

Councilman Pless said he is aware of Mr. Harrison's work and he has a reliable business. He said in his opinion the City should save wherever possible by accepting low bids.

RALPH BISHOP - COMMENTS RELATIVE TO SELECTION OF THE MAYOR

Ralph Bishop said he was dissatisfied with the Council's selection of the Mayor. He also made comments relative to the Council members taking their oaths of office.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:30 p. m.

Raym. Trantham
MAYOR

Theresa A. Holcomb
CITY CLERK

PERSONNEL BILLING RATES

April 15, 1981

<u>Personnel Classification</u>	<u>Billing Rate Per Hour</u>
Principal	\$ 47.62
Associate	40.82
Architect	34.01
Engineer	34.01
Planner	34.01
Landscape Architect	27.21
Interior Designer	27.21
Technician	25.50
Draftsman	22.77
Inspector	27.21
Secretary	17.69

The City Manager said the City Council had appropriated \$10,000 for the Asheville-Buncombe Water Authority and it is his understanding that the Water Authority would like authority to use \$2,000 of the \$10,000 for the consultant services of Mr. Robert E. Turner.

Councilwoman Frank moved to approve an expenditure of \$2,000 for the Water Authority to use for consultant services of Mr. Robert E. Turner. This motion was seconded by Councilman Wilkes and carried unanimously.

The Assistant City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 81-265 was unanimously adopted.

Complete text of Resolution No. 81-265 will be found in Resolution Book No. 13 at page 117.

SCHEDULING A PUBLIC HEARING RELATIVE TO AMENDING ORDINANCE NO. 322, TO DECREASE THE REGULAR MEMBERSHIP OF THE BOARD OF ADJUSTMENT AND TO PROVIDE FOR ALTERNATE MEMBERS FOR JANUARY 7, 1982

4. Consideration was given to a motion scheduling a public hearing relative to amending Ordinance No. 322, to decrease the regular membership of the Board of Adjustment and to provide for alternate members for January 7, 1982.

NOTE: This public hearing will be held to consider a proposed ordinance decreasing the regular membership of the Board of Adjustment and providing for alternate members. The proposed ordinance would provide for the Board of Adjustments to consist of four members appointed by the City Council for the term three (3) years and one member who is a resident of the extraterritorial area appointed by the County Commissioners for a term of three (3) years. There shall also be appointed seven (7) alternates, five who are City residents appointed by the City Council and two (2) appointed by the County Commissioners who are residents of the extraterritorial area. The present ordinance provides that the Board consist of nine or more members appointed by the City for a term of three years and two or more members not to exceed four members who are residents of the extraterritorial area appointed by the County Commissioners for a term of three years.

Vice-Mayor Price moved to schedule a public hearing relative to amending Ordinance No. 322 to decrease and to provide for alternate members for January 7, 1982. This motion was seconded by Councilman Pless and carried unanimously.

RESOLUTION NO. 81-266 - RESOLUTION ACCEPTING A SEVENTEEN (17) ACRE TRACT OF LAND ADJOINING THE "MEADOWS APARTMENTS" OFF LEICESTER HIGHWAY

5. Consideration was given to a resolution accepting a seventeen (17) acre tract of land adjoining the "Meadows Apartments" off Leicester Highway.

The Assistant City Manager read the resolution.

Vice-Mayor Price moved for the adoption of Resolution No. 81-266 instructing that the City Attorney not finalize the deed until a letter from Mr. Phil Carson is received stating that the property could be sold at the appraised value or greater within a three year period; said letter to be on file in the City Clerk's Office prior to the recording of the said deed. This motion was seconded by Councilwoman Frank and carried unanimously.

097

Thursday - December 10, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, and Deputy City Clerk Carol Hensley.

Absent: K. M. Michalove, City Manager

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the special, organizational, and regular meeting of December 3, 1981, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the special, organizational and regular meeting of December 3, 1981, were approved as submitted.

BUDGET AMENDMENT - CITY OF ASHEVILLE OPERATING BUDGET - GENERAL FUND - COUNTY CONTRIBUTION - CIVIC ARTS

2. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

- A. General Fund - County Contribution - Civic Arts - This budget amendment in the amount of \$80,400 is to reflect budget affects of the Water Agreement.

Bob Wurst, Director of Budget and Audit, presented the budget amendment stating that this budget amendment reflects budget affects of the Water Agreement relative to Outside Agencies, Board of Tax Supervision, and Civic Arts. He reviewed, in detail, the adjustments to the outside agency's budgets by the city and county and the tax ratio agreed upon for the Board of Tax Supervision and contribution for Civic Arts for Fiscal 1981-82.

Councilman McDevitt moved to approve the budget amendment as presented by Mr. Wurst. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 81-265 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SEEK GRANT FUNDING FROM THE NORTH CAROLINA YOUTH ADVISORY COUNCIL FOR THE CONVENTION II PROJECT OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

3. Consideration was given to a resolution authorizing the Director of Parks and Recreation to seek grant funding from the North Carolina Youth Advisory Council for the Conventior. II project of the Asheville-Buncombe County Youth Council.

RESOLUTION NO. 81-268 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH MOUNTAIN BUILDERS INCORPORATED FOR THE PROJECT KNOWN AS REMEDIAL WORK - ASHEVILLE CITY HALL - ASHEVILLE, NORTH CAROLINA (CITY HALL RAMP PROJECT)

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Mountain Builders Incorporation for the project known as remedial work - Asheville City Hall, Asheville, North Carolina (City Hall Ramp Project).

The Assistant City Manager read the resolution.

A discussion was held relative to the present condition of the structural soundness of the ramp. After discussion, it was requested by Council that the dumpsters be removed from the ramp area in order that the heavy sanitation trucks would not be traveling on the ramp.

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Price, Resolution No. 81-268 was unanimously adopted.

Complete text of Resolution No. 81-268 will be found in Resolution Book No. 13 at page 120.

MARK FRIEDRICH - INVITATION TO GOVERNOR'S SHOWCASE OF SOLAR HOMES

Mark Friedrich, Buncombe County Coordinator for the Governor's Showcase of solar homes invited the Council members to attend the open house on Forest View Drive of the solar home on Saturday, December 12th and Sunday, December 13, 1981.

RECOGNITION OF BOY SCOUTS ATTENDING CITY COUNCIL MEETING

The Mayor recognized two boy scouts attending the City Council meeting.

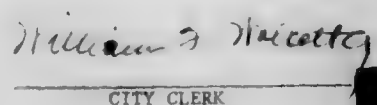
RALPH BISHOP - LOTTERY SALES IN THE CITY OF ASHEVILLE - OBTAINING CITY RECORDS

Ralph Bishop spoke to Council relative to his problems in obtaining City records and the failure of the City to uphold the lottery laws in the City.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the meeting adjourned at 4:40 P.M.


MAYOR


CITY CLERK

Complete text of Resolution No. 81-266 will be found in Resolution Book No. 13 at page 118.

AUTHORIZATION FOR THE CITY MANAGER TO HAVE EXTENDED LEAVE

Mayor Trantham announced that the City Council at work session on December 7, 1981, extended the City Manager time off to take care of matters dealing with his house fire.

CLAIMS - LAWSUITS - ASHEVILLE HEATING/COOLING - FRANCIS CAMPBELL - BRUCE DEWEESE - LOUISE LINDSEY - JOHN SHERLIN - DANIEL KORNHOUSER - FBH AND COMPANY - DELRIO, INC. - ASHEVILLE HOUSING AUTHORITY

The Assistant City Manager presented claims received from Asheville Heating/Cooling, Francis Campbell, Bruce DeWeese, Louise Lindsey, John Sherlin, Daniel Kornhouse, and lawsuits in which the City is either a defendant or a respondent from the following: FBH and Company, Delrio, Inc., Asheville Housing Authority.

Mayor Trantham referred the claims and lawsuits to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - INTERNATIONAL YEAR OF DISABLED PERSONS - 1981 - CONTINUE PROGRAMS

Mayor Trantham called upon all the citizens of the City of Asheville to continue in 1982 to back the programs of and for disabled persons in connection with the International Year of Disabled Persons which was held in 1981.

RESOLUTION NO. 81-267 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONSENT JUDGEMENT ON BEHALF OF THE CITY

Consideration was given to a resolution authorizing the Mayor to sign a consent judgement on behalf of the City of Asheville.

The Assistant City Manager read the resolution which stated that the North Carolina Department of Transportation filed an action in the Superior Court of Buncombe County entitled Department of Transportation, plaintiff, vs. A. C. Mitchell and wife Willie Mae Mitchell; City of Asheville; County of Buncombe and the only interest which the City of Asheville has in said action is the payment of any tax due and owing to said city on the property which is the subject of said suit. The Department of Transportation has made assurances that said taxes will be paid to the tax collector for the benefit of the City and it is necessary for the Mayor of the City of Asheville to execute a consent judgement on behalf of the City.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 81-267 was unanimously adopted.

Complete text of Resolution No. 81-267 will be found in Resolution Book No. 13 at page 119.

"Ken, in reference to your Memo dated August 26, 1981, concerning a request for a Traffic Signal at the Intersection of Flint Street and Magnolia Avenue, I have made a study of the Intersection and have found that it does not meet minimum warrants for a Signal Installation.

Minimum warrants are as follows:

Major Street - 500 Vehicles per Hour for an 8-hour period
Minor Street - 150 Vehicles per Hour for an 8-hour period

Flint Street Average per Hour for an 8-hour period: 44.25 Vehicles

Magnolia Avenue Average per Hour for an 8 Hour period: 31.75 Vehicles

Highest Hourly Volume on Flint Street: 69 Vehicles, Two-way Flow
Highest Hourly Volume on Magnolia Ave: 42 Vehicles, One-way Approach

Accident Records reveal that there were two accidents at this Intersection in the past two years, one occurring on 5/7/81 and the other on 7/5/80.

There were two sideswiping accidents in the area in the past two years, one as a result of Police pursuit and the other caused by a vehicle parked illegally.

The closing of the Chestnut Street Bridge has had very little effect on traffic volumes in this area.

Traffic Counts made on this section of Flint Street in July, 1978, showed 24-hour traffic volume of 508 Vehicles.

Traffic Counts made on 9/1/81 showed a 24-hour traffic volume of 605 vehicles. Since the subject Intersection does not meet minimum warrants for a traffic signal installation, I do not recommend that a signal be installed, but I do recommend that the section of Flint Street between Chestnut Street and Magnolia Avenue be widened as shown on the attached drawing. This recommendation is made because of the possibility of the permanent closing of the Chestnut Street Bridge."

The City Manager said that he had informed Mrs. Knuckles that the City is considering widening Flint Street between Chestnut Street and Magnolia Avenue when funds can be made available and that "no parking" signs were installed on the west side of Flint Street when the bridge was closed to alleviate any problems of increased traffic.

After discussion, the City Manager said he would take another look at the problem on Flint Street and give Council another report, which would also be given to Mrs. Knuckles.

Mrs. Knuckles said she felt this was an urgent matter and that Council should do something to eliminate future wrecks in the area before the widening of Flint Street.

221

Thursday - December 17, 1981 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None.

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 10, 1981, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the meeting of December 17, 1981, were approved as submitted.

RECOGNITION OF JOHN HAYES AND LESLIE ANDERSON - PARKS AND RECREATION

2. Ray Kisiah, Director of Parks and Recreation, recognized Leslie Anderson, Superintendent of Recreation, and John Hayes, Recreation Center Director for the Hillcrest Center, for receiving an award from Governor Hunt for the Hillcrest Enrichment Program and the highest designation of appreciation for the center director.

Mr. Kisiah invited members of Council to the tree lighting ceremony at the Hillcrest Center on December 23, 1981, at 3:30 P.M.

Councilman Wilkes requested that a resolution/award be presented to Mr. Hayes from the Asheville City Council for his receiving the Governor's highest award for the center director.

PRESENTATION - PETITION RELATIVE TO INCREASED TRAFFIC ON FLINT STREET

3. Mrs. Nola Knuckles presented a petition to Council relative to the increased traffic on Flint Street due to the closing of the Chestnut Street Bridge. The petition requested that a traffic light be installed at the corner of Magnolia and Flint Streets.

The City Manager said that he had been in contact with Mrs. Knuckles relative to the problems of increased traffic on Flint Street. He read the following memorandum from Mr. Paul Dutcher, Traffic Engineer, relative to the traffic signal request at Flint Street and Magnolia Avenue.

ditional bid and is subject to prior sale. Recommend award to Apple Tree Chevrolet for one (1) Chevrolet CS10603 based on lowest energy efficient cost at \$7,408.38 total.

Section V-(A) 3 ½ Ton Pickup Trucks (for Water & Sewer)
and (B) 1 ½ Ton Pickup Truck (for Fire Department)

Bids for this section were invited in two parts due to minor variations in equipment options. In section V-A, Apple Tree Chevrolet submitted the low base bid and lowest energy efficient cost for three trucks for Water & Sewer Department.

In Section V-B, Dorato Motors/Dodge submitted the lowest base bid. This unit was bid with unapproved exceptions and does not meet specifications for gross vehicle weight and axle weights. Apple Tree Chevrolet's bid in Section V-B for a Chevrolet truck with EPA mileage of 22 MPG has a \$981.28 lower energy efficient cost than the Dodge truck with an EPA mileage of 17 MPG. Based on considerations of standardization considerations, compliance with specifications and energy cost, recommend award to Apple Tree Chevrolet for three ½ ton Chevrolet pickup trucks at \$7,554.89 each and one ½ Chevrolet pickup at \$7,422.29, total \$30,086.96.

Section VI - (A & B) Six Sub-compact Automobiles (Water & Sewer)

Bids in this section were invited in two parts due to minor differences in specifications. In both parts Apple Tree Chevrolet submitted the base low bid and lowest energy efficient cost. Recommend award to Apple Tree Chevrolet for (A) five Chevette sub-compact automobiles at \$5,370.00 and (B) one Chevette sub-compact automobile at \$5,945.45, total \$32,795.45.

Recommendation Summary by Bidder:

Dorato Chrysler-Plymouth	Section I and III	Total \$126,381.20
Apple Tree Chevrolet	Sections IV, V, VI	Total \$ 70,290.79.

Powell Ball, Fire Chief; Fred Hensley, Police Chief; William DeBruhl, Director of Water & Sewer Services; David Pruett, Superintendent of Motor Transport have reviewed the bids appropriate to each activity and all concur with these recommendations.

Sufficient funds for these purchases are available in Revenue Sharing Funds, Police Department and Fire Department activities and Water Fund, Water and Sewer activities.

Councilman Pless recommended that the awarding of these bids be tabled until the January 7, 1982, meeting because he was not familiar with the need or the funds for this purchase and he felt he needed additional time to study the matter before voting on the issue.

After discussion, it was the consensus of Council, that Council members be given two weeks notice before any bid items were placed on the agenda unless the bid items were on an emergency basis.

Councilman McDevitt said it concerned him that the City must go into their fund balance for such purposes. He said he would be reluctant to approve any expenditure with the present unsound fiscal conditions. He said

Councilman McDevitt said he did not think a traffic count is the only issue relevant to the problem of installing a traffic light at Flint Street and Magnolia Avenue. He said if the intersection is dangerous because of visibility, a traffic light might be cheaper to install than the widening of Flint Street.

Councilman Wilkes requested that the Traffic Engineer look at the situation again and bring photographs to Council of the location for them to review.

BIDS - THREE DIESEL POWERED DUMP TRUCKS

4. Consideration was given to bids received November 17, 1981, for three diesel powered dump trucks.

The City Manager presented the bids stating that four bids were received. Recommendation of acceptance of the low bid submitted by Apple Tree Chevrolet, Incorporated in the amount \$76,712.68. Sufficient funds for this purchase are available in the Revenue Sharing Funds, Public Works activity and Water and Sewer Department appropriations.

Councilman Wilkes moved to accept the low bid submitted by Apple Tree Chevrolet for the three diesel powered dump trucks. This motion was seconded by Councilwoman Frank, which motion carried with Councilman McDevitt abstaining due to his being an attorney and representing the low bidder.

BIDS - AUTOMOBILES AND LIGHT TRUCKS

5. Consideration was given to bids received November 20, 1981, for automobiles and light trucks.

The City Manager presented the bids stating that five bids were received.

The following award recommendations are submitted for consideration:

Section I - 12 each Police Type Automobiles

Dorato Chrysler-Plymouth submitted both the low bid and lowest energy efficient cost. Recommend to award to Dorato Chrysler-Plymouth to furnish 12 Plymouth Gran Fury at \$9,173.75 each, total \$110,085.00.

Section II - Deleted from original bid request.

Section III - 2 each Mid-sized Automobiles (for Police)

Dorato Chrysler-Plymouth submitted both the low base bid and lowest energy efficient cost. Recommend to award to Dorato Chrysler-Plymouth to furnish 2 Plymouth Gran Fury at \$8,148.00, total \$16,296.20.

Section IV - 1 each Sub-Compact Pick-up Truck (for Police)

The low base bid was submitted by Matthews Motors for Ford Courier with EPA mileage of 20 MPG. Lowest energy efficient cost is, however, for Chevrolet (S-10) CS10603, bid by Apple Tree Chevrolet with EPA mileage of 25 MPG. During life of vehicle Chevrolet unit is expected to cost \$227.48 less than Ford unit. Matthews Motors bid is also a con-

Councilman Myers moved to table Item No. 5 relative to approving a budget amendment until January 7, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 81-269 - RESOLUTION DECLARING CERTAIN HOLIDAYS AS FREE PARKING DAYS FOR DOWNTOWN ASHEVILLE

8. Consideration was given to a resolution declaring certain holidays as free parking days for downtown Asheville.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, Resolution No. 81-269 was unanimously adopted.

Complete text of Resolution No. 81-269 will be found in Resolution Book No. 13 at page 121.

RESOLUTION NO. 81-270 - RESOLUTION ACCEPTING KENILWORTH KNOLL DRIVE AS A CITY-SYSTEM STREET

9. Consideration was given to a resolution accepting Kenilworth Knoll Drive as a City-system street.

The City Manager read the resolution which stated that the developers and owners of property along Kenilworth Knoll Drive have requested that the City of Asheville accept Kenilworth Knoll Drive as a city-system street. Kenilworth Knoll Drive has been constructed in accordance with the street standards of the City of Asheville. The Director of Public Works has inspected the street and recommends it for acceptance for a city-system street.

Upon inquiry of Councilman McDevitt, the City Manager said this was a new street developed by the developers in the area and the City did not fund any of the improvements in the area. He said the street was constructed at the City's specifications and it had previously been agreed that the City would take over the street.

Upon inquiry of Councilman McDevitt, the City Manager said it is not necessarily a standard City policy to take over streets that are constructed under City specifications. He said all factors are considered and the decision to take over the streets vary.

Upon inquiry of Councilman McDevitt, the City Manager said the City would benefit by taking over the street through Powell Bill funds and developments in the area.

A discussion was held, upon inquiry of Councilman Pless, relative to a sewer problem along Kenilworth Knoll Drive. Mr. Pless said that he had heard of some problems relative to the sanitary sewer in that area.

The City Manager advised Councilman Pless that he would check into this problem.

he would like to be able to work on the City's budget to eliminate using the fund balance. He said he personally would be very slow on approving any capital expenditures.

The City Manager suggested that he be given some direction by Council relative to budget items. He suggested that he prepare and propose an amended budget without using the fund balance to be considered on January 7, 1982. However, he said some things are needed to continue to operate the City.

Councilmen McDevitt and Myers made comments relative to their approval of the City Manager presenting proposals for a balanced budget without using the fund balance for consideration on January 7, 1982.

Councilman Pless moved to table consideration of the bids for the automobiles and light trucks until January 7, 1982. This motion was seconded by Councilman Myers and carried on a voice vote of 5-2 with Councilwoman Frank and Vice-Mayor Price voting "no."

Councilman Wilkes moved to instruct the City Manager to prepare a proposal for an amended balanced budget without using the fund balance for consideration on January 7, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

BIDS - EIGHT SNOW PLOW BLADES, FRAME AND HOIST UNITS - STREET DIVISION

6. Consideration was given to bids received December 4, 1981, to furnish the Street Division with eight snow plow blades, frame and hoist units.

The City Manager presented the bids stating that five bids were received. Recommendation of acceptance of the low bid submitted by the North Carolina Equipment Company in the amount \$10,936. Sufficient funds for this purchase are available in the Revenue Sharing Fund - Street Division Activity Account 50-427-074.

Councilwoman Frank moved to accept the low bid submitted by North Carolina Equipment Company for the eight snow plow blades, frame and hoist units. This motion was seconded by Councilman Wilkes and carried on a voice vote of 6-1, with Councilman McDevitt voting no.

Councilman Pless questioned why the City is bidding on snow plows in the middle of December. He said he felt that the bids should be awarded in the summer instead of waiting until the middle of winter.

BUDGET AMENDMENT - AMENDING OPERATING BUDGET REAPPROPRIATING FUNDS TO FISCAL YEAR 1981-82

7. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

The City Manager, in light of the motion previously adopted to submit an amended budget, recommended that this item be tabled.

General Statutes which provides that a municipality may dispose of personal property valued at less than \$5,000 for any one item or group of similar items through private negotiation and sale.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 81-272 was unanimously adopted.

Complete text of Resolution No. 81-272 will be found in Resolution Book No. 13 at page 124.

COUNCIL MEETING FOR DECEMBER 24 AND DECEMBER 31, 1981 - CANCELLED

Councilman Wilkes moved that there be no council meeting on December 24 and December 31, 1981, and the next regular council meeting be scheduled for January 7, 1982. This motion was seconded by Councilman Myers and carried unanimously.

CLAIMS - MELVIN LUTHER - FARAN PORSHIA - ROGER HERR - MEDITERRANEAN RESTAURANT - MRS. G. H. BAUGH

The City Manager presented claims from Melvin Luther, Faran Porshia, Roger Herr, and Mediterranean Restaurant.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 81-273 - RESOLUTION APPOINTING COUNCILWOMAN MARY LLOYD FRANK TO THE BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

Consideration was given to a resolution appointing Councilwoman Mary Lloyd Frank to the Board of Trustees of the Asheville Policemen's Pension and Disability Fund.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 81-273 was unanimously adopted.

Complete text of Resolution No. 81-273 will be found in Resolution Book No. 13 at page 125.

SCHEDULING OF A PUBLIC HEARING - FERNWOOD APARTMENTS

Vice-Mayor Price moved to schedule a public hearing relative to the group development of the Fernwood Apartments for January 14, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

SCHEDULING OF A PUBLIC HEARING - SUNRISE MANOR - GROUP DEVELOPMENT

Vice-Mayor Price moved to schedule a public hearing relative to the group development plan for the Sunrise Manor for January 14, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

287

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 81-270 was unanimously adopted.

Complete text of Resolution No. 81-270 will be found in Resolution Book No. 13 at page 122.

RESOLUTION NO. 81-271 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE AREA CHAMBER OF COMMERCE FOR PARTICIPATION IN THE 1982 WESTERN NORTH CAROLINA GOLF CLUB

10. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Asheville Area Chamber of Commerce for participation in the 1982 Western North Carolina Golf Club.

The City Manager read the resolution stating that the Western North Carolina Golf Association is a non-profit organization under the sponsorship of the Asheville Area Chamber of Commerce. The purpose of which is the promotion of golf in the Western North Carolina area. The Western North Carolina Golf Association each year offers for sale a Western North Carolina Golf Club card which allows the purchaser to play one round of weekend golf or two rounds of weekday golf at each participating course. The proceeds from the sale of the golf club cards are channeled directly into advertising and promoting golf courses in the Western North Carolina area through golf magazines and a mountain golf brochure. The Asheville Municipal Golf Course participated in the 1981 club card and would benefit from the promotion of play through the 1982 golf club card. The City of Asheville recognizes the Asheville Municipal Golf Course as an asset in the promotion of golf, recreation, and tourism to the Asheville and Western North Carolina area. This resolution will authorize the Director of Parks and Recreation to sign an agreement with the Chamber of Commerce and Western North Carolina Golf Association for the inclusion of the Asheville Municipal Golf Course in the 1982 golf club card.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 81-271 was unanimously adopted.

Complete text of Resolution No. 81-271 will be found in Resolution Book No. 13 at page 123.

RESOLUTION NO. 81-272 - RESOLUTION AUTHORIZING THE MOTOR TRANSPORT SUPERINTENDENT TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE

11. Consideration was given to a resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

The City Manager read the resolution stating that the Motor Transport Division of the City of Asheville has approximately 100 used tires for which the city has no use. The Motor Transport Superintendent is hereby authorized to dispose of the property herein identified by private sale at a negotiated price, pursuant to Article 12 of Chapter 160-A of North Carolina

210
Thursday - January 7, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 17, 1981, meeting.

Mayor Trantham requested that the minutes on page 335 be amended by changing the voice vote on the motion to table consideration of the bids for the automobiles and light trucks until January 7, 1982, from a vote of 5-2 to a 4-3 vote, Mayor Trantham voting "no."

Vice-Mayor Price moved that the minutes be approved with the noted change by Mayor Trantham. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING - AMENDING ORDINANCE NO. 322 - BOARD OF ADJUSTMENT

ORDINANCE NO. 1256 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS, "AN ORDINANCE PROVIDING FOR THE ZONING FOR THE CITY OF ASHEVILLE" AS AMENDED, TO DECREASE THE REGULAR MEMBERSHIP OF THE BOARD OF ADJUSTMENT AND TO PROVIDE FOR ALTERNATE MEMBERS

2. A public hearing was held relative to amending Ordinance No. 322, to decrease the regular membership of the Board of Adjustment and to provide for alternate members.

Mayor Trantham opened the public hearing at 4:20 P.M.

The City Manager presented the notice to the public setting the date and time for the public hearing and the affidavit of publication.

Verl Emrick said the proposed amendment would provide for the Board of Adjustment to consist of four members appointed by the City Council for a term of three (3) years and one member who is a resident of the extraterritorial area appointed by the County Commissioners for a term of three (3) years. There shall also be appointed seven (7) alternates, five who are City residents appointed by the City Council and two (2) appointed by the County Commissioners who are residents of the extraterritorial area. The present ordinance provides that the Board consist of nine or more members

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RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING CITY RECORDS

Ralph Bishop again spoke to Council relative to his difficulty in obtaining City records.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Price, the meeting adjourned at 5:45 P.M.

Ray M. Harrison
MAYOR

William F. Halpern
CITY CLERK

efforts of three of the seven current council members. Council members Wilkes, Price, and I spent two years in directing City policy to the point of budgeting the decisions made in June of 1981. And, Council members Price and I spent two years before that in applying the same conscious efforts. Our purpose in making the budget decisions of the past were to maintain city growth; to maintain good working conditions for employees by providing good equipment, training, uniforms, and salaries and fringe benefits competitive with local industry and cities of like size; to make orderly change through such things as the City/County Water Agreement, the Airport Authority, Pack Square Improvements, the Economic Development Program, and so on; to maintain our role as the leading city west of Charlotte; to maintain our role as a tourist/convention center; and finally, to provide services citywide on an equal basis in a productive and efficient manner.

A budget is an annual plan based on actions of previous councils and managers, plans of the current council and staff, and as best as possible, anticipation of future events. All of the elements of the budget, purposes, goals, and objectives of the Council must be considered. And, while the prior budgeting of amounts in excess of one million dollars in fund balance has been budgeted and is a factor, it is not the only factor to consider. I felt our judgement was right in June, and I feel it is right now. And, just to point this out personally - in all of my 15 years in public office, I never voted or supported an ad valorem tax increase until this year.

The individual opinions of each council member are important. However, our main goal should be to work together in a unified way for the future of the City of Asheville.

We need to turn our attention to deciding on a program of work and stick to it and we need to turn our attention to matters that can effect improved services without layoffs and principally through the method of attrition for personnel reductions. We need to increase our sources of revenues, maintain a strong economic development program and continue programs for good working conditions and fringe benefits.

We are in a major transition period in terms of the effects of the Water Agreement, recommendations of the Asheville-Buncombe Charter Commission, changes in federal and state grant programs, court actions dealing with annexation, and other major policy. Now is not the time to cause additional uncertainty on the part of residents and personnel.

My recommendation to the Council is to learn as much as you can over the next few months before the budget for 1982-83 decisions are made, and then for the 1982-83 budget, let us together make the majority decisions about the future policy of the City with regard to budget and services.

If it had not been necessary, we would not have budgeted fund balance, increased ad valorem taxes by 10¢ per \$100 valuation, or many of the other things we had to do in order to balance the budget for this year in order to maintain growth and positive direction of City activities. My recommendation is that we live within the budget currently set by the former council and that we give appropriate direction to the City Manager for what the majority of the Council wants for the 1982-83 budget. We need to take this action for stability, resident/staff moral, and continuity of service. Therefore, I will relinquish my seat as Mayor and turn the presiding responsibility over to

41

appointed by the City for a term of three years and two or more members not to exceed four members who are residents of the extraterritorial area appointed by the County Commissioners for a term of three years.

Mr. Emrick said this amendment is being proposed due to the fact that the Board of Adjustment has numerous meetings and there is a problem obtaining a quorum for the meetings. He said the Planning and Zoning Commission had reviewed the suggested amendment and had recommended that the ordinance be amended.

J. E. Johnson, Director of Inspections Division, said the amendment would allow the Board of Adjustment to provide better service by being able to obtain quorums for their meetings.

Mayor Trantham closed the public hearing at 4:25 P.M.

Mr. Emrick read the proposed ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1256. This motion was seconded by Councilwoman Frank.

Councilman McDevitt offered an amendment to the Ordinance in the last sentence of Section 1 adding the words "and vote" making the sentence read "the alternate members shall serve and vote only in the absence of a regular member." Vice-Mayor Price and Councilwoman Frank accepted Councilman McDevitt's amendment to the ordinance.

On a roll call vote of 6-0, Ordinance No. 1256, passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1256. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1256, passed on second reading.

CONSIDERATION OF THE 1981-82 BUDGET

3. Consideration was given to the 1981-82 Budget.

Mayor Trantham read the following memorandum:

MEMORANDUM TO: Members of the Asheville City Council
FROM: Roy M. Trantham, Mayor
DATE: January 7, 1982
SUBJECT: The 1981-82 Budget

At the December 17, 1981, Council Meeting it was voted on by the Council for the City Manager to prepare an amended balanced budget for our consideration on January 7, 1982, without using fund balance. After giving some very serious thought to the action of the Council on December 17th, I personally find the action taken as a "lack of confidence vote" against the

Councilman Pless said he would also like to hear the report from the City Manager as requested at the December 17, 1981, meeting.

In a discussion it was apparent that if motions were brought to a vote they would result in a 3-3 tie and Councilman McDevitt requested that before calling the question the City Manager give his report on how he could balance the budget without using the fund balance.

The City Manager said his recommendation would be to make an initial payment to the General Fund from the Water Fund in the amount of \$447,467. This \$447,467 was the amount of General Fund, fund balance appropriated as of November 30, 1981, and would represent a payment to the City on an \$800,000 debt owed to the General Fund which was not taken into consideration at budget time, but was pointed out in the audit report. He said that this would cover all of the General Fund - Fund balance appropriated as of November 30, 1981, and there would be an additional million in the fund balance account that the City used for cash flow. He reminded Council that back in June when Council passed the budget the City department heads and the City Manager committed themselves to reducing budgeted expenses by \$422,000 or 2.5% of the Fiscal Year 1981-82 budget, an amount of \$422,000 below that which was appropriated by the Council and that which was recommended by the city auditor. He said that if the staff sticks to what they committed themselves to back in June and the City does not exceed the use of fund balance by \$447,467 the City will only use about \$25,000 of the fund balance. He said the items of budget cuts were not specifically identified but each department would be on their own to make the cuts. He said that the staff can affect other budget changes when the Council decides on a program of work for the future and the staff knows which services are to be increased or decreased and they know the level of funding the City Council will authorize. He said a great deal of time had been spent in establishing foundation of good government through personnel programs and modern management techniques and the City is meeting a variety of special conditions for which they have no control over. He said five or six years ago the City of Asheville had a personnel turnover rate of 30 to 40% and now the turnover is about 13%. He said his recommendation is that Council not make any major policy or budget changes at this time but that the City work toward these changes for the 1982-83 budget. He said the staff would be starting the 1982-83 budget at the departmental level in about one week.

Councilwoman Frank said she was more interested in the economics in the 1982-83 budget rather than adjusting the 1981-82 budget.

Councilman Myers said the motions made at the December 17, 1981, meeting relative to requesting proposed recommendations by the City Manager was a reaction from a budget session held with the new council members. He said the City Manager had made a strong point about the fund balance being very low. He said during that budget session the members of Council were told that the fund balance should carry one month's operation for the City or 2½ million dollars. He said the members of Council were reacting to the information given to them by the City Manager.

After a lengthy discussion relative to the budget recommendations by the City Manager, Mayor Trantham requested a roll call vote on his motion.

Vice Mayor Price in order to make the following motions and stabilize the continuity of service planned for the City of Asheville:

1. That the Council will follow the budget plan approved by Ordinance No. 1224 on June 25, 1981, Unless by majority vote of the Council one or more particular items are changed or amended by formal council action.
2. That the City Manager, Ken Michalove; City Clerk/Associate City Manager, Bill Wolcott; and Corporation Counsel, Bill Moore directly appointed by the City Council hereby receive a vote of reappointment by resolution by the Council, and that they will continue in their positions through the term of this City Council unless some separate action is taken with regard to anyone or all of these individuals by a majority of the Council.
3. That we not ask the City Manager to make a revised budget recommendation as previously requested.

I will submit these motions and/or resolutions separately and ask the City Clerk to call for a roll call vote on each item.

Mayor Trantham said that he had visited Councilman H. C. Wilkes at the hospital and Councilman Wilkes had requested that the following statement be read into the minutes:

"I strongly urge the Council to pass the resolution confirming Ken Michalove, City Manager; Bill Wolcott, City Clerk; and Bill Moore, Corporation Counsel; and further that we accept the Mayor's other recommendations."

This statement was signed by Councilman H. C. Wilkes.

Mayor Trantham then turned the meeting over to Vice-Mayor Price to preside and made the following motion. "That the Council will follow the budget plan approved by Ordinance No. 1224 on June 25, 1981, Unless by majority vote of the Council one or more particular items are changed or amended by formal council action." This motion was seconded by Councilwoman Frank.

Councilman Myers asked if this action was a result of information requested from the December 17, 1981, meeting for the City Manager to prepare a proposal for an amended balanced budget without using the fund balance.

Councilman McDevitt said he had only requested information on the 1981-82 budget and recommendations for a balanced budget without using the fund balance. He said he would like to hear the City Manager's recommendations relative to a balanced budget without using the fund balance before voting on any motions made by Mayor Trantham.

Councilman Myers said that he felt the information requested at the December 17, 1981, meeting was needed, and that he would like to hear the report from the City Manager.

BIDS - AUTOMOBILES AND LIGHT TRUCKS

5. Consideration was given to bids received November 20, 1981, for automobiles and light trucks.

The City Manager presented the bids and the recommendations.

Vice-Mayor Price moved to award section (1)-12 each police type automobiles and section (3)-2 each mid-sized automobiles for the police department to Dorato-Chrysler Plymouth. This motion was seconded by Councilwoman Frank and carried unanimously.

Vice-Mayor Price moved to award section (4)-1 each sub-compact pick up truck for the Police Department and section (5)-3 ½ ton pick up trucks for the Water and Sewer Department and 1-½ ton pick up truck for the Fire Department and section (6)-6 sub-compact automobiles for the Water and Sewer Department to Apple Tree Chevrolet. This motion was seconded by Councilwoman Frank and carried on a 5-0 vote. Councilman McDevitt requested that the minutes reflect that he did not vote on sections 4, 5, and 6 due to a conflict of interest.

RESOLUTION 82-1 - RESOLUTION OF APPRECIATION AND COMMENDATION TO LUTHER B. ANDERSON, SR.

6. Consideration was given to a resolution of appreciation and commendation to Luther B. Anderson, Sr.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-1 was unanimously adopted.

Complete text of Resolution No. 82-1 will be found in Resolution Book No. 13 at page 126.

REPORT TO COUNCIL - FLINT STREET TRAFFIC CONTROLS

7. In response to a complaint made by Mrs. Nola Knuckles at the December 17, 1981, meeting, Paul Dutcher, Traffic Engineer, reviewed his memorandum relative to this issue which was presented at the December 17, 1981, meeting. He said he had, at the request of Council, made a further investigation of this intersection and the only recommendation he would have would be to restrict parking on both sides of Flint Street from Chestnut Street to Magnolia.

After discussion, Council instructed the Traffic Engineer to install "No Parking Here to Corner" Signs at this intersection and to yellow line the curbs, indicating no parking at the intersection. The City Manager said he would also have the Police Department watch for parked vehicles at this intersection.

PRE-COUNCIL MEETINGS TO BE HELD IN COUNCIL CHAMBERS

Councilman Pless moved that the pre-council meetings be held in the Council Chambers instead of the Council conference room and the Executive Sessions of Council be held in the Council conference room. This motion was seconded by Councilman Myers and carried unanimously.

Councilman McDevitt asked Mayor Trantham to reconsider his motion in view of the discussion held relative to the budget.

Mayor Trantham said that he would like the roll call vote on the motion recorded in the minutes.

On a roll call vote of 3-3, Mayor Trantham's motion failed with Councilman Pless, Councilman McDevitt, and Councilman Myers voting "no" and Mayor Trantham, Vice-Mayor Price, and Councilwoman Frank voting "yes."

It was the consensus of Councilman Pless, Councilman McDevitt, and Councilman Myers that the 1981-82 budget has been adopted and no further action is necessary at this point in time.

The City Manager said that in the absence of a specific vote by the Council he would advise the department heads to proceed with their budget as approved in June, 1981.

Mayor Trantham then read a resolution reappointing Kenneth M. Michalove as City Manager, William F. Wolcott, Jr., as City Clerk, and William C. Moore as Corporation Counsel and moved that the resolution be adopted. This motion was seconded by Councilwoman Frank.

A discussion followed which indicated that it was the consensus of Councilman Myers, Councilman McDevitt, and Councilman Pless that the resolution is not appropriate for discussion due to the fact that the three individuals in their present positions serve at the pleasure of Council and no action is needed.

After discussion Mayor Trantham offered a substitute motion postponing action on the resolution until all seven members of Council were present. This motion was seconded by Councilwoman Frank and on a voice vote carried with 4 "aye" votes and 2 "abstentions."

BUDGET AMENDMENT - CITY OF ASHEVILLE OPERATING BUDGET - GENERAL FUND

4. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

- A. General Fund - This budget amendment is to reappropriate funds to Fiscal Year 1981-82 which were encumbered, but not spent, in Fiscal Year 1980-81. A total of \$257,224 was committed by purchase order to be spent in 1980-81. However, the goods ordered were not received and funds were not spent until the current fiscal year. The \$257,224 will come from fund balance left over in the General and Water and Sewer Funds at the end of Fiscal Year 1980-81.

The City Manager presented the budget amendment.

Vice-Mayor Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman McDevitt and carried unanimously.

needed for specifications on a new roof for the Reid Recreation Center, formally the Livingston Street School. He said a resolution relative to the professional services contract would be on the agenda for City Council consideration on January 14, 1982.

DISCUSSION - RESOLUTION REGARDING FEDERAL GRANTS

The Council requested that that City Manager prepare a resolution for Council's consideration regarding support of continuation of federal grants.

REPORT ON PEST CONTROL CONTRACT

At the request of the City Manager the Corporation Counsel, responding to a complaint relative to bids awarded for pest control services for the City Building, said since the bids had already been awarded it was his opinion that the City would be liable for a lawsuit if this contract was rescinded.

The City Manager said the Council, if they so desired, could change the procedure that the City staff follows in awarding such bids.

COUNCIL COMMITTEE ASSIGNMENTS

The City Manager presented Council with a memorandum relative to City Council Committee assignments and stated that further discussion on this matter would be held at the January 12, 1982, work session.

SCHEDULING OF PUBLIC HEARING - KENILWORTH MORATORIUM

The City Manager advised that the present ordinance imposing a moratorium on development in the Kenilworth area expires on February 3, 1982. He said if Council wanted to extend the moratorium a public hearing would have to be held relative to this matter.

Vice-Mayor Price moved to schedule a public hearing relative to imposing a moratorium on development in the Kenilworth area for January 28, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

LAND-OF-SKY DINNER ANNOUNCEMENT

The City Manager advised that the Land-of-Sky annual dinner would be held on January 20, 1982, and that reservations needed to be made by the City for Council members attending this dinner.

SCHEDULING OF PUBLIC HEARING - "FENNERWOOD" APARTMENTS

Verl Emrick, Director of Planning, announced that the developer for the "Fennerwood" Apartments had presented the Planning and Zoning Commission with a modified plan and a public hearing should be scheduled relative to the modified plan.

Vice-Mayor Price moved to schedule a public hearing relative to the modified plan of the "Fennerwood" Apartments for January 28, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

CLAIMS - HELEN McDARIS - ROBERT ADAMS - MARTHA PENKA - MARY
McCARTHY - VANESSA COPNEY - L. GUILLEBEAUX - BUNCOMBE COUNTY
-JESSIE HANEY - ANDY BICKFORD

The City Manager presented claims received from Helen McDaris, Robert Adams, Martha Penka, Mary McCarthy, Vanessa Copney, L. Guillebeaux, Buncombe County, Jessie Haney, and Andy Bickford.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ANNOUNCEMENT BY CITY MANAGER - RESIGNATION OF W. MICHAEL SMITH -
DIRECTOR OF ADMINISTRATION - APPOINTMENT OF MR. WILLIAM F.
WOLCOTT - TEMPORARY SUPERVISORY RESPONSIBILITIES

The City Manager said on November 30, 1981, he had received the resignation of W. Michael Smith, Director of Administration for the City of Asheville, said resignation to be effective on January 1, 1982. He said in accordance with the provisions of the City Charter, Article 3, Section 21 it is necessary that he document this resignation. He said at this time he was appointing Mr. William Wolcott to assume temporary supervisory responsibilities for the Department of Administration.

ANNOUNCEMENT OF MEETING WITH THE BUNCOMBE COUNTY COMMISSIONERS
- WATER AUTHORITY - CITY COUNCIL MEMBERS

The City Manager announced that there would be a meeting on Tuesday, January 12, 1982, at 1:00 P.M. with the Asheville/Buncombe Water Authority, the Buncombe County Commissioners, and the City Council regarding the Water Authority's recommendation on a water source and an engineering firm.

CITY COUNCIL WORK SESSION - TUESDAY, JANUARY 12, 1982 - 2:00 P.M.

The City Manager announced that the Asheville City Council would have a work session at 2:00 P.M., on Tuesday, January 12, 1982.

CITY COUNCIL TOUR OF CITY FACILITIES - MONDAY, JANUARY 11, 1982

The City Manager announced that the City Council members would tour the City facilities on Monday, January 11, 1982, from 8:15 A.M. to 6:00 P.M.

DISCUSSION OF PROFESSIONAL SERVICES CONTRACT - EVALUATION OF
McCORMICK FIELD/MEMORIAL STADIUM

The City Manager advised a professional services contract was needed for the inspection and evaluation of the Memorial Stadium/McCormick Field. He said that a resolution relative to professional services contract would be on the agenda for the January 14, 1982, meeting.

DISCUSSION OF A PROFESSIONAL SERVICES CONTRACT - REID RECREATION
CENTER

The City Manager said that a professional services contract was

Thursday - January 21, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, and Larry McDevitt, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes
Councilman Gordon Myers

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 7, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the meeting of January 7, 1982, were approved as submitted.

PRESENTATION BY QUALITY FORWARD - APRIL CLEAN UP MONTH PROGRAM

2. Jean Webb of Quality Forward introduced Bretney Smith, Jr., of Swannanoa Cleaners, who has spearheaded a new April Clean-Up Program for the City of Asheville.

Bretney Smith, Jr., of Swannanoa Cleaners, said his company is sponsoring a city-wide clean-up program during the month of April. He said \$3,000.00 is being donated for this project. He said the City would be divided up in 30 sections with each section being worth \$100. He said organizations or civic clubs would take one or two sections to clean up. He said clean up would be on public property and possibly on private property in cooperation with the owner. He said at the end of April the civic club or organization would receive \$100 for their treasurer for each section they cleaned up. He said the City of Asheville would provide trucks to pick up the trash. He said this program would be during the month of April, 1982.

Vice-Mayor Price thanked Mr. Smith for spearheading such a project.

PUBLIC HEARING - SITE PLAN - "FENNERWOOD" APARTMENTS

The Mayor said this public hearing has been rescheduled for January 28, 1982, due to a modified plan being presented at the Planning and Zoning Commission on January 6, 1982.

PUBLIC HEARING - SITE PLAN - "SUNRISE MANOR" TOWNHOUSES

4. A public hearing was held relative to the site plan of the proposed "Sunrise Manor" Townhouses.

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RALPH BISHOP - COMMENTS RELATIVE TO CITY RECORDS

Ralph Bishop again spoke to Council relative to his difficulty in obtaining city records.

ADJOURNMENT

Mayor Trantahm adjourned the meeting at 6:45 P.M.

Joseph M. Trantahm
MAYOR

William J. Macaulay
CITY CLERK

ORDINANCE NO. 1256 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS, "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED, TO DECREASE THE REGULAR MEMBERSHIP OF THE BOARD OF ADJUSTMENTS AND TO PROVIDE FOR ALTERNATE MEMBERS

5. Consideration was given to the third reading of Ordinance No. 1256, an ordinance amending Ordinance No. 322 known as, "an ordinance providing for the zoning of the City of Asheville" as amended, to decrease the regular membership of the Board of Adjustment and to provide for alternate members.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1256 passed on third and final reading.

Complete text of Ordinance 1256 will be found in Ordinance Book No. 9 at page 299.

RESOLUTION NO. 82-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE AGREEMENT WITH JOHN J. SHORT, SR., FOR THE OPERATION OF A SNACK SHOP IN THE CITY BUILDING

6. Consideration was given to a resolution authorizing the City Manager to renew the agreement with John J. Short, Sr., for the operation of a snack shop in the City Building.

The City Manager read the resolution stating that the City of Asheville has leased an area of the City Building on the first floor to John J. Short, Sr., for the operation of a snack shop since May 26, 1977, and the operation of this snack shop has been satisfactory. This resolution will authorize the City Manager to extend the lease agreement with John Short for the operation of said snack shop.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-2 was unanimously adopted.

Complete text of Resolution No. 82-2 will be found in Resolution Book No. 13 at page 127.

BUDGET AMENDMENT - CITY OF ASHEVILLE OPERATING BUDGET

7. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

- A. Community Development - This budget amendment in the amount of \$240,000 represents the disposition proceeds from the sale of certain right-of-way parcels in the East Riverside Redevelopment area to the North Carolina Department of Transportation. \$120,000 of these proceeds will be transferred to the Community Development account for the Ashland/McDowell Street Improvements and the remainder will be designated for development in the Depot Street area.

Mayor Trantham opened the public hearing at 4:23 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Ownbey from the Planning Department said the Asheville Planning and Zoning Commission at its June 3, 1981, meeting reviewed the site plan for the proposed "Sunrise Manor" Townhouses to be located off Melrose Avenue and Central Avenue. After discussion the Commission recommended approval of the project subject to the following conditions: 1) compliance with the Erosion Control Ordinance; 2) submission of a landscaping and buffering plan; 3) approval of plan by the North Carolina Department of Human Resources and; 4) agreement with adjacent property owners concerning access to the site and maintenance of the road.

Mr. Ownbey said this project would be in two phases with the first phase consisting of five townhouses and the second consisting of seven townhouses. He said the entrance way would be through Wildwood Street which also has the Foxfire Apartments on this particular street. He said it was his understanding that right-of-way agreements had been worked out for the use of Wildwood Street with the owners of the Foxfire Apartments.

By the use of a map, Mr. Ownbey showed the location of the proposed site plan.

He said parking would be sufficient and the developer would comply with the buffering requirements in the zoning ordinance.

Mr. William F. Wolcott, III, representing Mrs. Barfield, the owner of Foxfire Apartments on Wildwood Street, said his client has signed an agreement for common maintenance of the road but had not actually signed an easement for the road. He said Mrs. Barfield was concerned relative to the density of the use of the property and wanted to be assured that a good buffer zone would be required.

Mark Carlson, the developer, showed the proposed design of the townhouse to members of Council.

He said the townhouses is an alternative to condominiums in the City of Asheville. He said the values of the homes would exceed the average home value and would bring about three-quarters of a million dollar tax base to the City of Asheville. He said deed restrictions would be placed upon the property owners. He said he was just as concerned about the buffer requirements as Mrs. Barfield and would comply with all zoning regulations relative to buffering.

Mayor Trantham closed the public hearing at 4:38 P.M.

Councilman McDevitt moved to approve the site plan of the proposed "Sunrise Manor" Townhouses subject to the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilwoman Frank and carried unanimously.

Mr. Ownbey said this project has been delayed pending the installation of the Reed Creek sewer line which the developer would have to tie into.

After discussion relative to the developer using the Reed Creek sewer line Councilman McDevitt moved to approve the final subdivision plat for "Shangri-La." This motion was seconded by Councilwoman Frank and carried unanimously.

Councilman McDevitt said he made his motion with the understanding that the City have simple safeguards relative to the developer being required to tie into the Reed Creek sewer line.

APPROVAL OF THE CONSENT AGENDA

10. The City Manager said the following items are of routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 82-4 - Resolution authorizing the Mayor to enter into an agreement with the West Asheville Merchants Association for the installation of bus stop pads and benches at Patton Avenue and Louisiana Avenue and Patton Avenue and Florida Avenue.

HIGHLIGHTS: The West Asheville Merchants Association has requested the City of Asheville to install bus stop pads and benches at the intersection of Patton Avenue and Louisiana Avenue and Patton Avenue and Florida Avenue. The City of Asheville is willing to perform the work with the understanding that the West Asheville Merchants Association will agree to assume responsibilities to include the cost of installation and maintenance. This resolution will authorize the Mayor to execute an agreement between the City of Asheville and the West Asheville Merchants Association for the installation and maintenance of the bus stop pads and benches.

Resolution Book No. 13 at page 129.

- B. Resolution No. 82-5 - Resolution authorizing the Mayor to execute an encroachment agreement with the North Carolina Department of Transportation for the installation of bus stop pads and benches with the right-of-way of US 19-23.

- 250
- B. **General Fund** - This budget amendment in the amount of \$2,250 is to provide funding for revisions to the Asheville City Charter and City of Asheville Code of Ordinances by the Municipal Code Corporation to bring the Charter and Code up-to-date with N. C. General Statutes.

The City Manager presented the budget amendments.

Councilwoman Frank moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 82-3 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SECURE CONSULTANT ASSISTANCE FOR MEMORIAL STADIUM AND REID MEMORIAL RECREATION CENTER

8. Consideration was given to a resolution authorizing the Director of Parks and Recreation to secure consultant assistance for Memorial Stadium and Reid Memorial Recreation Center.

The City Manager read the resolution stating that there are serious structural problems at Memorial Stadium and a need for a new roof and other assistance at the Reid Memorial Recreation Center. This will permit the Director of Parks and Recreation to secure professional assistance to solve these problems.

Upon inquiry of Councilman McDevitt, Mr. Kisiah, Director of Parks and Recreation said these services were only for professional assistance and recommending what needed to be done for these facilities. He said any contract let for the work would be approved by Council.

Councilwoman Frank suggested that Mr. Kisiah contact Mr. Michael Crane with the Buncombe County Energy Coordinator relative to the roof for the Reid Memorial Recreation Center.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-3 was unanimously adopted.

Complete text of Resolution No. 82-3 will be found in Resolution Book No. 13 at page 128.

SUBDIVISION PLAT - "SHANGRI-LA"

9. Consideration was given to a motion to approve final subdivision plat for "Shangri-La."

Carl Ownbey of the Planning Department said that final plat was prepared by Ray E. Anders, R.L.S., for J. V. Corbin, Developer. The plat in preliminary form was approved by the Asheville Planning & Zoning on April 2, 1980, subject to the manhole on Lot #5 and #6 and being cast iron to allow construction of this lot. The final plat incorporates this change, and is now in compliance with the Subdivision Regulations.

study. At a meeting held on December 2, 1981, the Asheville Planning and Zoning Commission unanimously voted to report to City Council that it reaffirms its earlier recommendation that Ward 6, Sheet 17, Lots 70, 70 3/4, 84, and 86 be rezoned from R-3 Residential District to CH Commercial Highway District, and that no further rezoning toward Hazel Mill Road is warranted at this time.

- F. Motion to continue the public hearing relative to the group development plan of "Sugartree" Apartment Complex to be located in Kenilworth for February 4, 1982, without further advertisement.

HIGHLIGHTS: This public hearing was continued at the November 19, 1981, City Council meeting.

- G. Motion to remove from the table for further discussion the ordinance rezoning property in the Kenilworth area to be scheduled on February 4, 1982.

HIGHLIGHTS: This public hearing was continued at the November 19, 1981, City Council meeting.

- H. Resolution No. 82-6 - Resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

HIGHLIGHTS: The Motor Transport Division of the City of Asheville has approximately 100 used tires for which the City has no use. Article 12 of Chapter 160A of North Carolina General Statutes provides that a municipality may dispose of personal property valued at less than \$5,000 for any one item or group of similar items through private negotiation and sale. This resolution will authorize the Motor Transport Superintendent to dispose of the property by private sale at a negotiated price.

Resolution Book No. 13 at page 131.

Vice-Mayor Price moved to approve the consent agenda. This motion was seconded by Councilwoman Frank and carried unanimously.

SCHEDULING OF PUBLIC HEARING - ZONING OF BINGHAM HEIGHT ANNEXATION AREA - FEBRUARY 11, 1982

11. Consideration was given to a motion scheduling a public hearing relative to zoning the Bingham Heights annexation area for February 11, 1982.

The City Manager said pursuant to G. S. 160A-360 the Asheville Planning and Zoning Commission has studied the Bingham Heights area which was annexed into the City limits in July, 1981. At its meeting on January 6,

HIGHLIGHTS: The West Asheville Merchants Association has requested the City of Asheville to install waiting pads and benches at the southeast corner of Louisiana Avenue and Patton Avenue and the southwest corner of Florida Avenue and Patton Avenue. The West Asheville Merchants Association has agreed to bear the cost of installation and maintenance of the pads and benches. The pads and benches are to be located on the right-of-way of US 19-23 (Patton Avenue) which is a State of North Carolina system street and right-of-way. This resolution will authorize the Mayor to execute an encroachment agreement with the North Carolina Department of Transportation for the purpose of installing the bus stop pads and benches.

Resolution Book No. 13 at page 130.

- C. Scheduling of a public hearing relative to rezoning property located at 235-237 East Chestnut Street for February 11, 1982.

HIGHLIGHTS: The Asheville Planning and Zoning Commission at a meeting held January 6, 1982, considered the petition of Mr. Kostas Rantzios that Ward 2, Sheet 16, Lot 148 be rezoned from R-4 High Density Residential District to CG Commercial General District. After review and discussion the Commission voted to recommend to City Council that the petition to rezone the property be approved.

- D. Scheduling of a public hearing relative to zoning the Bingham Heights annexation area for February 11, 1982, to be considered separately at the request of Ralph Bishop.
- E. Scheduling of a public hearing relative to rezoning property located on Louisiana Avenue at the request of Harold Talbert, Agent for Property Owners, from R-3 Medium Density Residential District to CH Commercial Highway District for February 11, 1982.

HIGHLIGHTS: The Planning and Zoning Commission, at its meeting held on September 9, 1981, reviewed a request of Harold Talbert, Agent for Property Owners, that Ward 6, Sheet 17, Lots 84, 70 3/4, 70, and 86 (property located on Louisiana Avenue) be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. The Commission recommended that the request be approved by the City Council. At the October 15, 1981, meeting of the Asheville City Council this request was remanded to the Planning and Zoning Commission for further

ANNOUNCEMENT - MEETING RELATIVE TO DOWNTOWN DEVELOPMENT -
JANUARY 25, 1982, - CIVIC CENTER BANQUET ROOM

The City Manager announced that due to the overwhelming interest in the meeting to be held on January 25, 1982, at 4:00 P.M. relative to the downtown development the meeting location has been changed from the Council Chamber to the Civic Center Banquet Room.

APPROPRIATION APPROVED FOR CRIMINAL INVESTIGATION - ASHE COUNTY

The City Manager said that he had a request from the County Manager from Ashe County relative to the high cost of a crane to assist someone to go in the mine shaft relative to a criminal investigation which began in the City of Asheville. He said the estimated cost for the crane was fifteen to eighteen hundred dollars and since the City is directly involved he had committed to the County Manager of Ashe County that the City would commit to \$800 of this amount. He also suggested that the organization and civic clubs help raise the \$1,800 needed. It was the consensus of Council that this investigation need to be continued for backup evidence for court convictions.

Councilman Pless said that he had approached the Asheville Optimist Club and they were positive and strong about committing part of the funds. He said however, the Board of Directors would need to be polled relative to the amount the Asheville Optimist Club would commit to. He said perhaps this would be a challenge to other civic organizations to help with these efforts to break up a drug ring or mob in the City of Asheville.

After discussion Councilman Pless moved to commit the City of Asheville in the amount of \$1,800 to help with the investigation in Ashe County and urge civic clubs and organizations to help with financing this investigation. This motion was seconded by Vice-Mayor Price and carried on a voice vote of 4-1 with Councilman McDevitt voting "no."

REQUEST BY WESLEY F. TALMAN, JR., ATTORNEY FOR LOTTIE JEAN
FLETCHER - 22 NORMANDY ROAD

Wesley F. Talman, Jr., attorney for Lottie Jean Fletcher owner of 22 Normandy Road requested that Council delay demolition of 22 Normandy Road for one week. He said Council has enacted an ordinance to demolish 22 Normandy Road and he was aware that Council had granted several request for extensions for the demolition. He said he was in the process of obtaining a contract and performance bond to restore this house however, he had been unable to complete the contracts up until now. He said the contracts and performance bond would be completed by next Thursday if Council would grant a one week extension. He said John Reed an architect and John Stewart contractor was also working on the restoration of 22 Normandy Road.

After discussion Councilman Pless moved to grant the request of Wesley F. Talman, Jr., stating that 22 Normandy Road not be demolish giving Mr. Talman until 4:00 Thursday, January 28, 1982, to present a contract with a performance bond to Council for restoration of 22 Normandy Road. He said if the contract and performance bond was not in the City Manager's office by

1982, the Commission voted unanimously to recommend the following zoning for the property (also know as Pearson Bridge Road area):

- 1) rezone from LI Light Industrial District to R-5 Residential District:

Ward 6, Sheet 31, Lot 77, 78, 79, 80, 81, 82, 132, and a portion of the Lot 133.

- 2) Zone the lots now inside the City limits to R-5 Residential District:

Ward 6, Sheet 31, Lots 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 114, 127, 128, 129, 130, 131, and the remaining portion of Lot 133.

- 3) Zone one lot now inside the City limits to LI Light Industrial District:

Ward 6, Sheet 31, Lot 126.

Ralph Bishop spoke to Council relative to lottery operations in this area.

Vice-Mayor Price moved to schedule a public hearing for the Bingham Heights zoning for February 11, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

INVITATION TO WESTERN NORTH CAROLINA ENERGY FAIR - COUNCILWOMAN FRANK

Councilwoman Frank invited all members of Council to attend the opening ceremony of the Western North Carolina Energy Fair at 11:00 A.M. on Friday, January 22, 1982, at the Civic Center Arena.

CLAIMS - HERMINE CAMMARATO - AND LAWSUITS

The City Manager presented a claim received from Hermine Cammarato.

Mayor Trantham referred the claim and various lawsuits to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - SALUTE TO HOSPITALIZED VETERANS DAY - FEBRUARY 12, 1982

Mayor Trantham proclaimed February 12, 1982, as "Salute to Hospitalized Veterans Day."

PROCLAMATION - BLACK AWARENESS AND BLACK HISTORY MONTH

Mayor Trantham proclaimed the month of February as "Black Awareness and Black History Month."

Thursday, January 28, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, and Joe Pless; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Welcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 21, 1982, meeting.

Councilwoman Frank asked that the minutes be amended on page 353 under Resolution No. 82-3. The amended paragraph to read as follows:

"Councilwoman Frank suggested that Mr. Kisiah contact Mr. Michael McCrain, with the Buncombe County Energy Coordinator, relative to the roof installation for the Reid Memorial Recreation Center."

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, the minutes of the meeting on January 21, 1982, were approved as amended.

PUBLIC HEARING - ADOPTION OF AN ORDINANCE IMPOSING A MORATORIUM ON CONSIDERATION OF ANY REZONING REQUEST AND ISSUANCE OF ZONING PERMITS FOR MULTI-FAMILY RESIDENTIAL USES IN THE KENILWORTH AREA

ORDINANCE NO. 1257 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE KENILWORTH AREA

2. A public hearing was held relative to the adoption of an ordinance imposing a moratorium on consideration of any rezoning request and issuance of zoning permits for multi-family residential uses in the Kenilworth area.

Mayor Trantham opened the public hearing at 4:10 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said the present moratorium on development in the Kenilworth area will expire on February 3, 1982. He said the proposed ordinance will allow for the extension of the moratorium on development in the Kenilworth area for 90 days.

Mr. Wesley F. Talman, Jr., attorney for Lottie Jean Fletcher, owner of 22 Normandy Road, asked if the moratorium would affect construction on 22 Normandy Road.

4:00 P.M. on Thursday, January 28, 1982, the demolition crew should move to demolish the house on Friday, January 29, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

MARVIN CHAMBERS - RELATIVE TO CONDITION OF COUNCILMAN H. C. WILKES

Mr. Marvin Chambers told Council that Councilman H. C. Wilkes was progressing very well and he was interested in keeping abreast on what is happening with the Council and the City of Asheville.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price the meeting adjourned at 5:40 P.M.

MAYOR

William F. Holcomb

CITY CLERK

- 3) Provision of adequate buffering;
- 4) Dedication of the private road within the development; and
- 5) Changing compaction of stone on the private road from 6" to 8" to meet City standards.

Mr. Emrick said that the Council would need to grant a variance in the minimum lot size (8,000 sq. ft. is required in R-3 when property is owned in fee, as proposed here, and the average variance requested is 3,000 to 5,000 sq. ft.). He also said that the Council would need to grant a variance in the side yard setback (10 feet is required and 0 feet is requested).

Mr. Emrick said that, in his opinion, the only grounds Council has for denial of the site plan would be not granting the variances of the lot sizes and the Planning and Zoning Commission had recommended that Council approve the variances.

Mr. Emrick said that the private road dedication issue had been resolved because it was written into the deed.

Mr. James Bily, 30 Lookout Drive, spoke in opposition of the proposed group development. He said that there would be a density problem, a depreciation of property values, traffic and parking problems and low water pressure (which is evident even now).

Mr. Mark Carlson, Developer, said that each unit would have its own parking area and there would be only one entrance to each unit, thereby minimizing additional traffic problems in the area. Mr. Carlson said even with the delays he has experienced and the fact that he had not been able to take advantage of federal funding, he is still ready to move ahead with the project. He requested that Council approve the site plan.

Mr. Karsten, President of the Neighborhood Association, suggested that perhaps 5 units would be better than 6 units and that a recreation area might be included in the plans.

Upon inquiry of Vice-Mayor Price, Bill DeBruhl, Director of Water and Sewer Services, said water pressure is available and adequate before any projects are approved, regardless of whether it is a 4 or a 6-inch line (Fenner Avenue is served by a 6-inch line) and that he was not aware of any specific water problems in the area. However, he said, when a break occurs in the area, Fenner Avenue and the next street up are the first streets to go out of water.

In response to Mayor Trantham's question concerning water problems at new homes in the area, Mr. DeBruhl said some of these could be caused by problems in the service lines and these were the City's responsibility. It was noted that the residents at 22, 26, 32 and 34 Fenner Avenue are all experiencing water problems.

Mayor Trantham said the City staff would investigate the problems and if the City was responsible, the necessary repairs would be made.

Mr. Bily stated he brought a written protest to the City Clerk's office three days ago and inquired whether or not the 20% protest rule applied.

After some discussion, it was the consensus of Council to add the following sentence in item (4) of the ordinance:

- (4) That said moratorium shall not extend to individuals . . .
... prior to July 1, 1981, or for the issuance of
permits for repair or rebuilding of existing structures.

Mayor Trantham closed the public hearing at 4:23 p.m.

Mr. Emrick read the ordinance, as amended.

Vice-Mayor Price moved for the adoption of Ordinance No. 1257 as amended. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1257 passed on its first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1257. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1257 passed on its second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1257. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1257 passed on its third and final reading.

Complete text of Ordinance No. 1257 will be found in Ordinance Book No. 9 on page 302.

PUBLIC HEARING - SITE PLAN - "FENNERWOOD" APARTMENTS

3. A public hearing was held relative to the site plan of the proposed "Fennerwood" Apartments.

Mayor Trantham opened the public hearing at 4:28 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick said that the Planning and Zoning Commission reviewed this proposal at its regular meeting of December 2, 1981, and at a special meeting on December 16, 1981. He said that after some discussion on this proposal and hearing from the developer and residents of the neighborhood, the Commission voted to recommend denial of the project. He said that the developer, Mark Carlson, modified this site plan and the modified version was reviewed by the Planning and Zoning Commission at its meeting on January 6, 1982. After review and discussion of the modified plan, the Commission voted to recommend approval to the City Council subject to the following conditions:

- 1) Compliance with Erosion Control Ordinance;
- 2) Approval by the N. C. Department of Human Resources;

6. Consideration was given to a resolution authorizing the Mayor to sign a grant modification agreement for the Airport Terminal Building Addition Project.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-7 was unanimously adopted.

Complete text of Resolution No. 82-7 will be found in Resolution Book No. 13 page 132.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT

7. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

Community Development - This budget amendment in the amount of \$6,339.00 is to close out the balances of completed projects and provide for needed funds for completion of projects.

The City Manager presented the budget amendment.

Vice-Mayor Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman McDevitt and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

8. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. The City Manager stated that the resolution to be considered under this item had been deleted from the consent agenda.
- B. Resolution No. 82-8 - Resolution appointing members to the Asheville-Buncombe Community Relations Council.

HIGHLIGHTS: Mrs. Gladys B. Forney and Mr. Jesse Ray, Jr.'s terms expired on December 31, 1981, on the Asheville-Buncombe Community Relations Council. This resolution will reappoint Mrs. Forney and Mr. Ray to serve for a term of three years each, terms expiring December 31, 1984.

Resolution Book No. 13 on page 133.

- C. Resolution No. 82-9 - Resolution appointing a member to the Board of Trustees of the Firemen's Relief Fund.

Mr. Enrick read the section of the Code relative to protest petitions and said this rule would not apply in this instance.

Mayor Trantham closed the public hearing at 5:15 p.m.

Vice-Mayor Price moved to approve the site plan based on the conditions outlined by the Planning and Zoning Commission. This motion was seconded by Councilman Myers and carried with a 5-1 vote, with Councilwoman Frank voting "no."

STATUS REPORT ON 22 NORMANDY ROAD - WESLEY F. TALMAN, JR.

4. Mr. Talman, attorney for Lottie Jean Fletcher, owner of 22 Normandy Road, said a contract had been obtained for the reconstruction of the dwelling at 22 Normandy Road. He said the contract was with Stewart Construction Company and requested that Council rescind the ordinance to demolish the property. Mr. Talman said a hold harmless provision would be included in a separate document to protect the City in the event, for any reason, the project could not be completed and that financing needed for the project had been obtained by mortgaging property other than the property at 22 Normandy Road. Mr. Talman further stated that these documents had been approved by the City Attorney.

Upon inquiry of Vice-Mayor Price, Bill Moore, City Attorney, said he had reviewed all the documents presented today and everything is in order. However, he said the agreement between the City and the property owner is yet to be worked out between him and Mr. Talman.

Upon inquiry of Councilman McDevitt, Mr. J. E. Johnson, Director of Inspections, said the house in its present condition does constitute a safety hazard to the neighborhood.

Councilman McDevitt asked if any provisions had been included in the plans to temporarily fence the property until work began to help keep kids and others off the property.

Mr. Talman said no provisions had been included in the plans to fence the property and that by the time it took to get the fence up, it would just have to be taken down to permit the construction. However, he said the back of the property had been fenced, but they had not been able to police the area satisfactorily to keep people from cutting through the fence and going onto the property.

Upon recommendation of the City Manager, Vice-Mayor Price moved to consider repeal of the ordinance to demolish the dwelling at 22 Normandy Road on February 4, 1982, and that no action be taken until that time. This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1981-82

5. The City Manager said the Council had agreed in the work session to postpone consideration of this ordinance for another week and that this item be included in the Council's Work Session on Tuesday, February 2, 1982.

RESOLUTION NO. 82-7 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT FOR THE AIRPORT TERMINAL BUILDING ADDITION PROJECT

CITY MANAGER - REPORT OF CONTRIBUTIONS RECEIVED - ASHE COUNTY INVESTIGATION

The City Manager said to date the following contributions had been received for the Ashe County Investigation:

Jack and Glenda Roberts Candler, N.C.	\$ 25.00
Gedwin Roberson Asheville, NC	\$100.00
Anonymous	\$ 50.00

Mayor Trantham requested that the City's appreciation be expressed to these individuals for their contribution to such a worthy cause.

Vice-Mayor Price said the City owes a debt of gratitude to the citizens who were willing to be lowered into the mine shaft to recover the bodies and requested the police officers be commended for service above and beyond the call of duty.

RESOLUTION NO. 82-11 - RESOLUTION INCREASING INTERMENT FEES AT RIVERSIDE CEMETERY

Consideration was given to a resolution increasing interment fees at Riverside Cemetery.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-11 was unanimously adopted.

Complete text of Resolution No. 82-11 will be found in Resolution Book No. 13 at page 137.

PROCLAMATION - FEBRUARY, 1982 - HISTORY MONTH

Mayor Trantham proclaimed the month of February, 1982, as "History Month."

ANNOUNCEMENT - LEO FERGUSON

Mayor Trantham recognized Mr. Leo Ferguson. Mr. Ferguson said Councilman Wilkes is progressing and wants the other members of Council to know he is here in spirit and heart, and if all continues to go well, Councilman Wilkes may be able to return to the meetings in approximately two weeks. He said Councilman Wilkes also appreciates the information that is being sent to him.

RESOLUTION NO. 82-12 - RESOLUTION REAPPOINTING KENNETH M. MICHALOVE AS CITY MANAGER, WILLIAM F. WOLCOTT, JR., AS CITY CLERK, AND WILLIAM C. MOORE AS CORPORATION COUNSEL

Consideration was given to a resolution reappointing Kenneth M. Michalove as City Manager, William F. Wolcott, Jr. as City Clerk, and William C. Moore as Corporation Council.

HIGHLIGHTS: Mr. T. Cecil Tallent's term as a member of the Board of Trustees of the Firemen's Relief Fund expired on January 1, 1982. This resolution will reappoint Mr. Tallent to the Board to serve for a term of two years, term expiring January 1, 1984.

Resolution Book No. 13 at page 134.

- D. Resolution No. 82-10 - Resolution authorizing Bell's Traditionals, Ltd. to encroach upon the sidewalk in front of 3 Kitchen Place.

HIGHLIGHTS: J. W. Bell, Jr., President of Bell's Traditionals, Ltd., has requested premission to encroach upon the sidewalk in front of 3 Kitchen Place for a distance of 4 feet, for the purpose of installation of an entrance step and planter. The Director of Public Works has investigated this request and in his opinion, the encroachment would not hinder the safe flow of pedestrian movement along this sidewalk.

Resolution Book No. 13 at page 135.

- E. Motion setting a public hearing on the nomination of the "Old S & W Cafeteria," the "Old Pack Memorial Library," and the "Kress Building" as local historic properties for February 11, 1982.

HIGHLIGHTS: The Asheville-Buncombe Historic Resources Commission and the North Carolina Division of Archives and History have recommended that the above buildings be designated as Local Historic Properties. A combination of tax incentives and regulation of changes to the buildings encourage the owners of Local Historic Properties to maintain the buildings in good condition and to invest substantial capital into their rehabilitation.

- F. Motion setting a public hearing relative to the approval by Council of the 1981-82 Federal Operating Assistance Grant for March 4, 1982.

HIGHLIGHTS: The grant application is for \$986,192 of which \$493,096 is federal share and \$493,096 is local share.

The public hearing held on November 19, 1981, was not advertised thirty (30) days prior to the meeting. The Urban Mass Transportation Administration is requiring us to hold another public hearing.

Councilwoman Frank moved to approve the consent agenda. This motion was seconded by Vice-Mayor Price and carried unanimously.

Upon inquiry of Councilman McDevitt, the City Manager said he would obtain information from staff concerning Item "F" relative to the local funds committed and the procedure followed in requesting this particular grant.

Thursday - February 4, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 28, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, the minutes of the January 28, 1982, meeting were unanimously approved as submitted.

RESOLUTION NO. 82-13 - RESOLUTION OF APPRECIATION AND COMMENDATION TO MATTIE ROBINSON

2. Consideration was given to a resolution of appreciation and commendation to Mattie Robinson.

The City Manager read the resolution stating that Mattie Robinson, an employee of the City of Asheville since January 5, 1957, retired on January 31, 1982, as an elevator operator.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-13 was unanimously adopted.

Complete text of Resolution No. 82-13 will be found in Resolution Book No. 13 at page 139.

RESOLUTION NO. 82-14 - RESOLUTION OF APPRECIATION AND COMMENDATION TO AZALEE RUSTIN

3. Consideration was given to a resolution of appreciation and commendation to Azalee Rustin.

The City Manager read the resolution stating that Azalee Rustin, an employee of the City of Asheville since January 26, 1968, retired on December 31, 1981, as janitor.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-14 was unanimously adopted.

Complete text of Resolution No. 82-14 will be found in Resolution Book No. 13 at page 140.

227

Councilman Pless said in order to put everybody's mind at rest, he would like to introduce a resolution to reappoint the City Manager, City Clerk and City Attorney. Councilman Pless then read the resolution reappointing the City Manager, City Clerk and City Attorney.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-12 was adopted on a 5-1 vote, with Councilman McDevitt voting "no."

Complete text of Resolution No. 82-12 will be found in Resolution Book No. 13 on page 138.

CLAIMS - WILLIAM INGLE - DOUG TIPTON - THURMAN BAIRD - YVONNE HABEL

The City Manager presented claims received from William Ingle, Doug Tipton, Thurman Baird and Yvonne Habel.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP

Mr. Ralph Bishop again addressed the Council on his difficulty in obtaining City records relative to regulation of thermostats and the City's contract with the federal government for the inspection of same.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilwoman Frank, the meeting adjourned at 6:00 p.m.


MAYOR


CITY CLERK

Vice-Mayor Price moved to amend Ordinance No. 1258 to eliminate property on the western side of the ridge, amending a portion of the description to read as follows: thence following the northern property line of Lot 34 of Ward 8, Sheet 34, in a westerly direction to the point of intersection with the ridge line near Windswept Drive; thence following the ridge line approximately 2,420 feet in a southerly direction to its point of intersection with Windswept Drive at elevation 2546 feet; thence following the western side of Windswept Drive, etc. This amendment was accepted by Councilman McDevitt.

On a voice vote of 3-3, Vice-Mayor Price's motion failed with Mayor Trantham, Councilman Pless, and Councilman Myers voting "no" and Councilwoman Frank, Vice-Mayor Price, and Councilman McDevitt voting "yes."

A discussion was held relative to Lot 6, Ward 8, being included in the exceptions. After discussion it was determined that the rezoning of Lot 6 would not affect the Sugartree project in any way, and Lot 6 would not be included in the exceptions but would be zoned R-2.

Marvin Chambers made a point of order as to whether or not the floor was open for discussion during voting procedures. He was advised that the discussion by the attorneys pertained only to clarification of the motion.

Councilman Frank moved to amend Ordinance No. 1258 rezoning the property to R-2 Low Density Residential District except the undeveloped property, amending a portion of the description as follows: thence following the northern property line of Lot 34 of Ward 8, Sheet 34, to a point of intersection with Lot 89 of Ward 1, Sheet 4; thence following the eastern property line of Lot 89 of Ward 1, Sheet 4, in a southerly direction to a point of intersection with Lot 33 of Ward 8, Sheet 34, to a point of intersection with South Delano Road; thence following the eastern side of Lot 33 of Ward 8, Sheet 34 in a southerly direction to a point of intersection with Lot 15 of Ward 8, Sheet 8; thence following the northern and eastern property lines of Lot 15 of Ward 8, Sheet 8, in a southerly direction to a point of intersection with Lot 2 of Ward 8, Sheet 5; thence following the eastern property line of Lot 2 of Ward 8, Sheet 5, in a southerly direction to its intersection with Dalton Street; thence following the western side of Dalton Street in a southerly direction to Lot 180 of Ward 8, Sheet 5; thence following the entire southern property line of Lot 2 of Ward 8, Sheet 5, to a point of intersection with Lot 204 of Ward 1, Sheet 6; thence following the intersection with Lot 204 of Ward 1, Sheet 6, to a point of intersection with Buchanan Road; thence following Buchanan Road, etc. This motion was seconded by Councilman Pless.

On a voice vote of 5-1, Councilwoman Frank's motion to amend Ordinance No. 1258 carried with Vice-Mayor Price voting "no."

On a roll call vote of 6-0, Ordinance No. 1258 as amended passed on first reading.

CONTINUATION OF A PUBLIC HEARING - SITE PLAN - PROPOSED SUGARTREE APARTMENT COMPLEX

5. Mayor Trantham advised that this public hearing was continued from the November 5, 1981, meeting.

Dr. Jesse P. Chapman, Jr., 276 Kenilworth Road encouraged Council to rezone the entire area to R-2 Residential District. He said the main reason the Kenilworth Residents Association had requested the rezoning was due to the proposed development of the Sugartree project. He said that it is his understanding that other developers are interested in developments in the Kenilworth area. He said the property owners in the area must be protected from all the developments being proposed.

Harold Bennett, attorney for Alexander Investment Corporation said he was authorized to sign the protest petition for Perry M. Alexander who owns 100% of the corporation.

Mr. Bennett, in citing another similar rezoning case of the Carmelite Sisters in Beverly Hills, said a decision of the court was reached whereby an ordinance rezoning that property had been repealed because the City can not rezone property of someone who protest the rezoning. He also pointed out that the zoning ordinance only allows for rezoning amendments by: (1) Planning and Zoning Commission's initiative (2) City Council's initiative or (3) property owners' initiative. He said in this particular case the property owners presented a petition to rezone the area to R-1 Residential District. He took issue with Planning and Zoning Commission's recommendation, stating that the Commission did not have the authority to recommend rezoning to R-2 Residential District when the original petition requested R-1 Residential District.

Bob Long, attorney representing Dr. Nailing and Grover Redmon, spoke in opposition to the rezoning stating that the rezoning petition is invalid due to the fact that the petition was not originated by all the property owners. He said in his opinion the rezoning petition did not meet the criteria of the zoning ordinance and therefore was invalid.

Mr. Long stated that the rezoning brought on by the Kenilworth Residents Association was due to the proposed Sugartree project. He said the project had struggled along for more than 18 months. He requested that the property not be rezoned. He said the property owners of the proposed Sugartree property purchased the property as it is presently zoned and Council should not change the rules during the middle of the game. He said Council has the authority and the power over group developments such as Sugartree and to approve the plans for such group developments. He said multi-family dwellings are becoming more prevalent in the City of Asheville.

Augusta Young, with the Kenilworth Residents Association spoke in support of the rezoning. She said the area contains over 100 acres of undeveloped land and if left zoned R-3, 16 units per acre could be developed. She said there was no way the Kenilworth area could carry an additional 1600 units.

Verl Emrick read the proposed ordinance rezoning everything in the area from R-3 Medium Density Residential to R-2 Low Density Residential District.

Vice-Mayor Price moved for the adoption of Ordinance No. 1258. This motion was seconded by Councilman McDevitt.

4. Rezone the study area R-2 as recommended by the Planning and Zoning Commission.
5. Zone developed area R-2 and exclude the Sugartree property.
6. Zone the developed area R-2 and include the Sugartree property.
7. Zone study area R-2 and exclude all of the undeveloped property.

Mayor Trantham said during the discussion of the rezoning all those wishing to speak for an organization or group would be allowed ten minutes and all those speaking as individuals would be allowed three minutes.

Hunter B. Watson, 135 Lakewood Drive, spoke in favor of the rezoning. By the use of a map, Mr. Watson showed what property owners had petitioned to be rezoned and those who were in opposition. He said 500 petitioners or 80 to 90% of the property owners in the Kenilworth area wanted the property rezoned in order to protect their neighborhood.

Mr. James W. Williams, attorney representing the Kenilworth Residents Association, questioned the validity of the "20% protest rule" requiring a "three-fourths" affirmative vote of Council to pass the rezoning ordinance. He said the Zoning Ordinance states that in case protest petitions are received protesting a change in zoning, signed by the owners of twenty (20%) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto either in the rear thereof or either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the City Council. He said in calculating the number of acres involved in the rezoning either way stated in the zoning ordinance, in his opinion there would be less than 20% protest. He presented a letter from Mr. Brewer, one of the protestors, withdrawing his petition. He said Mrs. Reisig's protest petition was not signed by the property owner but by her sister. He said if the City would examine all factors and the concepts of the ordinance they would find the "20% protest rule" does not apply.

Mr. Williams also pointed out that the protest petition presented by the Alexander Investment Corporation did not actually bear the signature of the property owners but was signed by Harold Bennett as attorney for the Alexander Investment Corporation. He said under Section 30-11-3(b) of the zoning ordinance there is a requirement that the protest petition bear the actual signatures of the property owners. He said in his opinion the protest petition of the Alexander Investment Corporation is invalid.

Mr. Emrick explained the process the City staff took in determining the 20% rule and said in his opinion the 20% protest rule did apply and met all requirements of the zoning ordinance. Mr. Emrick also said that a ruling had been obtained stating that attorneys can act for petitioners and the signature of Harold Bennett for the Alexander Investment Corporation was acceptable.

ORDINANCE NO. 1258 - AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF
ASHEVILLE," AS AMENDED (PROPERTY LOCATED IN KENILWORTH)

4. Consideration was given to an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended. (property located in Kenilworth)

Verl Emrick, Director of Planning, reviewing the background of the rezoning of Kenilworth stated that on June 29, 1981, the City Council was presented a petition by the residents of Kenilworth on the matter of rezoning their property from R-3 Medium Density Residential District to R-1 Single Family Residential District. The petition was referred to the Planning and Zoning Commission for review and recommendation. The Asheville Planning and Zoning Commission, at a meeting held on October 7, 1981, took the following action: 1) The Commission voted unanimously that the original petition be recommended to City Council for rezoning from R-3 Medium Density Residential District to R-2 Low Density Residential District at the density level permitted in the ordinance (10 dwelling units per acre); 2) Requested the staff to provide a report to the Commission by the November meeting on the effect of decreasing the density level (dwelling units per acre) to the recommended 6-8 units/acre for the R-2 district; 3) By consensus of the Commission, a request to consider an additional petition containing approximately 37 acres of contiguous property was delayed until the November meeting. Of the area in consideration for rezoning two large property owners, Perry Alexander and Grover Redmon, are in opposition to the rezoning of their property to R-1. A public hearing was held on this matter on November 5, 1981. On November 19, 1981, a motion was made to table this ordinance. On January 21, 1982, a motion was made to bring this ordinance before the Council again on February 4, 1982.

By the use of a map, Mr. Emrick reviewed the location of the property proposed to be rezoned.

Mr. Emrick advised that due to valid protest petitions being received from several large property owners in the area, being Dr. Richard Nailing and Grover Redmon, Alexander Investment Company, and several other smaller owners, the Council must have a "three-fourths" affirmative vote to pass the ordinance as proposed.

Mr. Emrick advised Council that several alternatives were available to Council being:

1. Take no action and retain the R-3 designation for the entire neighborhood.
2. Rezone the area to R-1 as requested in the petition asking for the study as submitted by the neighborhood.
3. Rezone the developed portion of the Kenilworth area to R-1 and remove from consideration that land included in the study which is undeveloped.

property. He requested that Council approve the site plan for the Sugartree Apartment Complex.

Charles R. Craig of Joseph Griggs Associates, architects for the Sugartree project spoke in support of the Sugartree project. He said he had previously presented Council with a narrative of the project as well as the proposed phasing of the project. By the use of a model, Mr. Craig showed members of Council how the project would be when completed. He showed what would be natural buffering as well as buffering.

Mr. Craig said the Mark Companies is not new in the field of such projects but are involved in over 11 other projects of this nature.

Roger Lyda, engineer, said he had reviewed the Sugartree project plans and agreed that the variance for parking spaces was needed. He said the requirement of two parking spaces per unit is excessive in some circumstances. He said requiring more space for parking would be detrimental to the project.

Mr. Lyda also addressed the concerns of sewer and storm drainage overflow.

Marvin Chambers with the Kenilworth Residents Association said his concern was for the cemetery property and what would happen when the detention ponds proposed by the developer do not work. He said they were concerned about the runoff onto the cemetery property. He said Council should consider this as information.

Upon inquiry of Councilwoman Frank, Mr. Emrick said that he had talked with officials in Lynchburg and Roanoke, Virginia about the Mark Companies. He said the officials in Lynchburg said the Mark Companies is a "good developer to work with." He said the Mark Companies developed "Bear Run" in Lynchburg containing 150 units on a terrain with a slope in excess of 25%. He said officials in Roanoke said they did not have any major problems with the Mark Companies.

Mr. Kenneth Pankow, Registered Engineer, said he had been retained by the Ad Hoc Committee of the Kenilworth Residents Association, to review the Sugartree project plans. He presented Council with a "hand-out" detailing problems he foresees in the development of the Sugartree project.

Mr. Charles Dent, a resident of Kenilworth and an engineer, spoke to Council relative to the 50 year old sewer system in Kenilworth and the problems he foresees in adding 152 units to the system. He said if Council should approve the plans of the Sugartree development project, it should also carry a condition that the developers of Sugartree install a new sewer line to carry future developments. He said the developer should also be required to extend a new line to the existing sewer line flow. Mr. Dent also went into detailed calculation about sewer and storm drainage problems.

Mrs. Billy Tingle also spoke relative to the problems the Sugartree development would have on the present sewer system.

250

Verl Emrick, Director of Planning, in reviewing the background of the proposed Sugartree Apartment Complex said the Asheville Planning and Zoning Commission, at a meeting held on September 9, 1981, reviewed the site plan of the proposed "Sugartree" Apartment Complex to be located west of Kenilworth and south of Digges Road. After review and discussion, the Commission voted to recommend approval of the site plan to City Council subject to the following conditions: 1) That the grave sites as located on discovered on the property will at all times during construction be adequately protected and at the initial phase of construction a suitable fence 6' in height be constructed along the boundary of the historical easement as shown on the revised plat and submitted to the Commission. That further the maintenance of the fence be and remain with the owner of the property at all times and suitable provision made for its continued maintenance and that any removal of graves within the property itself be at the developer's expense or the owner's expense and that any removal be done pursuant to N. C. G. S. 65-13 or any other applicable ordinance or law; 2) Obtaining a maintenance easement for the small stream under the access road; and 3) Compliance with the City's Erosion Control Ordinance. This public hearing was continued from the November 5, 1981, meeting. On January 21, 1982, a motion was made to continue this public hearing on February 4, 1982.

Mr. Emrick said there had been some questions about the sewers in the Kenilworth area overflowing. He said he and Mr. Tarrant with the Engineering Department of the City inspected three of the sewer manholes on February 3, 1982, and found no major problems with the sewers overflowing.

Mr. Emrick in reviewing the conditions placed on the Sugartree Apartment Complex by the Planning and Zoning Commission said condition number one relative to the grave sites had been taken care of and a permanent easement had been executed to the cemetery association. He said a six foot fence has been agreed to by the developers to be along the boundary of the historical easement. He said condition number two relative to the erosion control plan has been approved by the Building Inspection Department and is functional as designed. He said the developers of the Sugartree project are also requesting that Council grant a variance of parking requirements from the required two spaces to 1.64 spaces. He said the regular requirement for a parking space is 9' x 20'.

Upon inquiry of Councilman Pless relative to backflow values for sewer lines, Mr. Emrick said there seems to be a difference of opinions. He said according to City staff the Water and Sewer Department has not received a substantial number of complaints but the property owners in the area complain of regular occurrences of sewer overflows.

Mr. DeBruhl, Director of Water & Sewer Department, said in the last two years his office has received one complaint of sewer overflows.

Jim Erwin, speaking on behalf of the Mark Companies developer of the Sugartree project, spoke in support of the Sugartree Apartment Complex. He said the developers had been in consultations with the Planning and Zoning Commission and various City departments for over a year where all information requested had been presented and received. He said as far as the conditions placed by the Planning and Zoning Commission relative to easements, etc., all such easements would be carried to all owners of the

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1259. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1259 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1259. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1259 passed on third and final reading.

Complete text of Ordinance No. 1259 will be found in Ordinance Book No. 9 at page 307.

RESOLUTION NO. 82-15 - RESOLUTION RELATIVE TO ORDINANCE NO. 1183 KNOWN AS "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 22 NORMANDY ROAD"

7. Consideration was given to the resolution relative to Ordinance No. 1183 known as "an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road.

The City Manager read the resolution stating that Council has received necessary documents to restore the house known as 22 Normandy Road and an agreement had been reached between the City of Asheville and the property owners relative to the restoration. The City Manager summarized the agreement between the City of Asheville and the property owners.

Upon inquiry of the City Manager, the Corporation Counsel said that this action does not in any way rescind Ordinance No. 1183 and the City can take action on Ordinance No. 1183 if progress is not being made to restore 22 Normandy Road.

Mr. Wesley F. Talman, attorney for the property owners of 22 Normandy Road, said he agreed with Mr. Moore however, the property owners would have an opportunity to be heard before Council before any action is taken on Ordinance No. 1183.

Upon inquiry of Councilman McDevitt, Mr. Talman said the contract for the rehabilitation of 22 Normandy Road is \$100,000. He said monies would be escrowed as needed, but \$20,000 would always remain in the escrow.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless. Resolution No. 82-15 was unanimously adopted.

Complete text of Resolution No. 82-15 will be found in Resolution Book No. 13 at page 141.

RECESS OF COUNCIL - FEBRUARY 5, 1982 - 4:00 P.M.

At 8:30 P.M., Councilman Pless moved to recess the Council meeting

Dr. Paul Young spoke to Council relative to his concerns of surface water runoff from the project. He requested that if Council approves the project that it be approved at six units per acre.

A resident of Kenilworth spoke relative to the increased traffic that would be generated from the proposed Sugartree development. She said the health, safety, and general welfare of the neighborhood should be considered as well as the congestion in the streets as required by the zoning ordinance.

Peter Winslow of 288 Kenilworth Road spoke to Council relative to the tax base that the property owners now living in Kenilworth now provide and the tax base that the Sugartree Apartment Complex would provide. He said if all engineering studies, etc., fails the City would have to put in a new sewer system and maybe some new roads, which burden would be put on the taxpayers in Kenilworth to pay for. He said if the City has to put in a new sewer, new roads, etc., it will take over twenty years of Sugartree taxes to pay for this expenditure. He said the property owners in Kenilworth have a larger investment in Kenilworth than the Mark Companies.

Mayor Trantham closed the public hearing at 7:43 P.M.

Mr. Emrick took issue with the statement Mr. Pankow made relative to recreational areas not being provided as required by the ordinance by the Sugartree developers. He said the recreational areas are being provided by the developers and was approved by the Planning and Zoning Commission as presented.

After discussion, Vice-Mayor Price moved that the developer resubmit the plans with 127 units rather than 152 units. This motion received no second.

After further discussion, Councilman Myers moved to approve the site plan of the Sugartree Apartment Complex contingent upon the conditions recommended by the Planning and Zoning Commission and moved to grant a variance of the parking requirements from 2 spaces per unit to 1.64 units per acre. This motion was seconded by Councilman McDevitt and carried on a voice vote of 4-2, with Vice-Mayor Price and Councilman Pless voting "no."

ORDINANCE NO. 1259 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1981-82

6. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville for Fiscal Year 1981-82.

The City Manager read the ordinance explaining that this ordinance summarizes and ratifies all budget amendments made by Council from July 1, 1981, through December 31, 1981.

Vice-Mayor Price moved for the adoption of Ordinance No. 1259. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1259 passed on first reading.

RESOLUTION NO. 82-17 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY DOCUMENTS NECESSARY FOR REPLACEMENT OF THE FAIRVIEW ROAD BRIDGE

9. Consideration was given to a resolution authorizing the Mayor to execute right-of-way documents necessary for replacement of the Fairview Road Bridge.

The City Manager read the resolution stating that the Fairview Road Bridge has become unsafe for carrying two-way traffic. The Fairview Road Bridge is of major importance to the flow of traffic to heavy developed and established areas of the City. It is the desire of the City to maintain this flow of traffic during the period required to remove and replace the Fairview Road Bridge. This resolution will authorize the Mayor to execute right-of-way documents necessary for replacement of the Fairview Road Bridge.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-17 was unanimously adopted.

Complete text of Resolution No. 82-17 will be found in Resolution Book No. 13 at page 143.

BIDS - TWO-YEAR CONTRACT FOR UNIFORM SERVICE AND RENTAL

10. Consideration was given to bids received on December 30, 1981, for a two-year contract for uniform service and rental.

The City Manager presented the bids and recommendation stating that five bids were received; two of which were tie bids from Carolina Uniform Rental Company and National Linen Service Company in the amount of \$84,084. This will provide uniforms to 275 employees for 104 weeks at a weekly rate of \$2.94 per week per employee.

Council may award the bid to either Carolina Uniform Rental Company or National Linen Service Company. However, staff recommends that the bid be awarded to National Linen Service Company based on review of both of the companies past performance and the service provided by National Linen Service Company for the past two years.

Councilman Myers moved to award the bid for a two-year contract uniform service and rental to National Linen Service Company in the amount of \$84,084. This motion was seconded by Councilwoman Frank and carried unanimously.

REQUEST OF COUNCILMAN PLESS - CONSIDERATION BY GIVEN TO CHURCHES SPONSORING EASTER SUNRISE SERVICE

Councilman Pless asked if any special consideration could be given to the churches in the community sponsoring the Easter sunrise service at the Civic Center.

After discussion, Councilman Pless moved to ask the Civic Center Commission to review the Easter sunrise service event and to give the churches in the community every consideration in respect to rental rates

until February 5, 1982, at 4:00 P.M. This motion was seconded by Councilman McDevitt and carried unanimously.

RECESSED MEETING - FEBRUARY 5, 1982 - 4:00 P.M.

Mayor Trantham said this meeting was a continuation of the February 4, 1982, meeting.

Councilwoman Frank moved that Council go in to execution session to discuss legal matters. This motion was seconded by Councilman McDevitt and carried unanimously.

At 5:20 P.M. Council went in to open session.

Mayor Trantham said during the executive session Council discussed Judge Jolly's ruling relative to the three annexation cases.

Vice-Mayor Price moved to proceed with the appeal of Judge Jolly's decision relative to the three annexation cases. This motion was seconded by Councilman McDevitt and carried unanimously.

Councilman McDevitt commented that he felt an appeal would be appropriate in that the courts were wrong in their rulings. He said that Council and the Council's attorneys feel the descriptions in the annexation ordinances are valid. He said it was his hope that the appellant courts would remand the ordinances to Council to be amended relative to their descriptions rather than invalidating the ordinances. He said during the executive session the City Council's attorneys, representing the annexation cases, were instructed to proceed as expeditiously as possible.

RESOLUTION NO. 82-16 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR AN ENRICHMENT GRANT FOR REID MEMORIAL, HILLCREST, MONTFORD, AND STEPHENS-LEE RECREATION CENTERS

8. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for an enrichment grant for Reid Memorial, Hillcrest, Montford, and Stephens-Lee Recreation Centers.

The City Manager read the resolution stating that the State of North Carolina has established a grant program known as "Community-Based Alternative" through the North Carolina Department of Human Resources, for enrichment programs aimed at deterring juvenile delinquence. This grant will authorize the Director of Parks and Recreation to submit an application in the amount of \$11,426 to the North Carolina Department of Human Resources for an enrichment program for the above community centers and will also authorize the Mayor to execute the necessary contract documents. The City will provide local match funding for this grant by in-kind services.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-16 was unanimously adopted.

Complete text of Resolution No. 82-16 will be found in Resolution Book No. 13 at page 142.

up a regular meeting for the joint City Council/County Commissioners meeting on the second Tuesday of each month at 2:00 P.M. beginning in March, 1982.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilman Pless, the meeting adjourned at 6:00 P.M.

Raymond L. Kesteven
MAYOR

William E. Holsall
CITY CLERK

noting that the Easter sunrise service is held at 5:30 A.M. This motion was seconded by Councilman Myers and carried on a voice vote of 5-1 with Councilman McDevitt voting "no."

PROCLAMATION - NATIONAL YEAR OF DISABLED OF PERSONS - 1982

Mayor Trantham proclaimed the year of 1982 as the "National Year of Disabled Persons."

CLAIMS - BLANCHE BARTON - CHUCK PRESSLEY - RICKY LEE - ROBERT JACKSON - GLORIA SMITH

The City Manager presented claims received from Blanche Barton, Chuck Pressley, Ricky Lee, Robert Jackson, and Gloria Smith.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

CITY MANAGER REPORT - CONTRIBUTIONS RECEIVED - ASHEVILLE/ASHE COUNTY CRIMINAL INVESTIGATION

The City Manager said the following additional contributions had been received for the Asheville/Ashe County Criminal Investigation:

Optimist Club of Asheville - \$100

Clyde B. Shook - Alexander, North Carolina - Pure Bred Angus - \$25

Mayor Trantham commented that Mrs. Forrester, mother of Thomas Forrester, had visited the City Manager and him this past week to thank Council for helping with the funds to recover her son's body from the Ashe County mine. He said it was a very touching conversation and she was very appreciative.

PROCLAMATION - HUMAN RELATIONS MONTH - FEBRUARY 1982

Mayor Trantham proclaimed February, 1982, as "Human Relations Month."

CONSTRUCTION ON CITY HALL RAMP

The City Manager said construction on the City Hall Ramp would begin on Monday, February 8, 1982. He said during construction there would be no parking spaces available in the basement. He said special spaces had been marked on the Marjorie Street lot for members of Council.

SCHEDULING OF COMMUNITY DEVELOPMENT/HOUSING AUTHORITY LIAISON COMMITTEE MEETING

It was decided that the Community Development/Housing Authority Liaison Committee would meet after the Council meeting on February 11, 1982.

JOINT CITY COUNCIL/COUNTY COMMISSIONERS MEETING - SECOND TUESDAY OF EACH MONTH

The City Manager announced that the County Commissioners had set

Mayor Trantham closed the public hearing at 4:16 P.M.

Vice-Mayor Price moved to remand the rezoning request to rezone property located at 235-237 East Chestnut Street to Planning and Zoning Commission with the suggestion that they study the possibility of allowing tailoring shops in the R-4 High Residential District. This motion was seconded by Councilman Myers and carried unanimously.

PUBLIC HEARING - ZONING BINGHAM HEIGHTS ANNEXATION AREA

3. A public hearing was held relative to zoning the Bingham Heights annexation area.

Mayor Trantham opened the public hearing at 4:18 P.M.

The Assistant City Manager said a notice to the public was published on January 27th and February 3rd, however, the Citizen Times inadvertently left out part of the notice, therefore, the notice should be readvertised. He said the public hearing should be rescheduled for March 4, 1982.

Mayor Trantham closed the public hearing at 4:19 P.M.

Vice-Mayor Price moved to reschedule the public hearing relative to zoning the Bingham Heights annexation area for March 4, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING - REZONING PROPERTY ON LOUISIANA AVENUE - REQUEST OF HAROLD TALBERT, AGENT FOR PROPERTY OWNERS

4. A public hearing was held relative to rezoning property located on Louisiana Avenue at the request of Harold Talbert, Agent for Property Owners, from R-3 Medium Density Residential District to CH Commercial Highway District.

Mayor Trantham opened the public hearing at 4:20 P.M.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission, at its meeting held on September 9, 1981, reviewed a request of Harold Talbert, Agent for Property Owners, that Ward 6, Sheet 17, Lots 84, 70 3/4, 70, and 86 (property located on Louisiana Avenue) be rezoned from R-3 Medium Density Residential District to CH Commercial Highway District. The Commission recommended that the request be approved by the City Council. At the October 15, 1981, meeting of the Asheville City Council this request was remanded to the Planning and Zoning Commission for further study. At a meeting held on December 2, 1981, the Asheville Planning and Zoning Commission unanimously voted to report to City Council that it reaffirms its earlier recommendation that Ward 6, Sheet 17, Lots 70, 70 3/4, 84, and 86 be rezoned from R-3 Residential District to CH Commercial Highway District, and that no further rezoning toward Hazel Mill Road is warranted at this time.

Thursday - February 11, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, and Gordon Myers, Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Deputy City Clerk, Carol Hensley.

Absent: Councilman H. C. Wilkes
City Manager, K. M. Michalove

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 4, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the February 4, 1982, meeting were unanimously approved as submitted.

PUBLIC HEARING - REZONING PROPERTY - 235-237 EAST CHESTNUT STREET

2. A public hearing was held relative to rezoning property located at 235-237 East Chestnut Street.

Mayor Trantham opened the public hearing at 4:14 P.M.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held January 6, 1982, considered the petition of Mr. Kostas Rantzios that Ward 2, Sheet 16, Lot 148 be rezoned from R-4 High Density Residential District to CG Commercial General District. After review and discussion the Commission voted to recommend to City Council that the petition to rezone the property be approved.

Mr. Emrick said during the pre-council meeting a discussion was held relative to remanding the rezoning request to Planning and Zoning Commission requesting that the Planning and Zoning Commission study the possibility of allowing tailoring shops in the R-4 High Density Residential District rather than rezoning the property. He said the owner of the property is requesting rezoning of the lot from R-4 High Density Residential District to CG Commercial General District for the purpose of relocating his tailor shop from the corner of East Chestnut Street and Charlotte Street.

Mr. Emrick said a protest petition had been filed opposing the rezoning of the lot. He said the opposition would require, according to the zoning ordinance, a three-fourths affirmative vote of Council to pass the ordinance.

encourage the owners of Local Historic Properties to maintain the buildings in good condition and to invest substantial capital into their rehabilitation.

Mayor Trantham closed the public hearing at 4:36 P.M.

ORDINANCE NO. 1260 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS THE OLD S & W CAFETERIA LOCATED AT 54 PATTON AVENUE IN ASHEVILLE, NORTH CAROLINA AS HISTORIC PROPERTY

Richard Thornton with the Planning Department, read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1260. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1260 passed on first reading.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1260. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1260 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1260. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1260 passed on third and final reading.

Complete text of Ordinance No. 1260 will be found in Ordinance Book No. 9 at page 308-310.

ORDINANCE NO. 1261 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS THE OLD PACK MEMORIAL LIBRARY ON PACK SQUARE IN ASHEVILLE, NORTH CAROLINA AS HISTORIC PROPERTY

Richard Thornton, with the Planning Department, read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1261. This motion was seconded by Councilman Myers.

On a roll call vote of 6-0, Ordinance No. 1261 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1261. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1261 passed on second reading.

Mr. Emrick said the Planning and Zoning Commission ask property owners for opinions relative to rezoning the entire area and considerable opposition was received in rezoning the entire area.

Mr. Emrick said Council denied a rezoning petition on July 24, 1980, of Mrs. Woody at the corner of Louisiana Avenue and Hazel Mill Road.

Mr. Emrick said the entire area should be left zoned as it is until significant changes occur in the area such as the Louisiana Avenue widening. He said the present zoning is appropriate for the area.

Vice-Mayor Price said it is her understanding that Louisiana Avenue is scheduled to be widened in 1988.

Harold Talbert, agent for the property owners, spoke in favor of the rezoning. He said the proposed area to be rezoned contains about 4½ acres. He said no immediate plans or proposed businesses are being planned.

Mayor Trantham closed the public hearing at 4:26 P.M.

Verl Emrick, Director of Planning, read the ordinance rezoning the property as requested by the petitioner.

Councilman McDevitt asked to be excused from voting on the Louisiana Avenue rezoning issue due to his active representation of Harold Talbert.

Vice-Mayor Price moved to grant the request of Councilman McDevitt to be excused from voting on the rezoning issue on Louisiana Avenue. This motion was seconded by Councilman Pless and carried unanimously.

There being no motion for adoption of the ordinance, the ordinance died for the lack of a motion.

PUBLIC HEARING - NOMINATION OF THE "OLD S & W CAFETERIA," THE "OLD PACK MEMORIAL LIBRARY," AND THE "KRESS BUILDING" AS LOCAL HISTORIC PROPERTIES

5. A public hearing was held relative to nomination of the "Old S & W Cafeteria," the "Old Pack Memorial Library," and the "Kress Building" as local historic properties.

Mayor Trantham opened the public hearing at 4:29 P.M.

The Assistant City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, introduced Mrs. Grace Pless, Chairman of the Asheville Buncombe Historic Resources Commission.

Mrs. Pless said the Asheville-Buncombe Historic Resources Commission and the North Carolina Division of Archives and History have recommended that the above buildings be designated as Local Historic Properties. A combination of tax incentives and regulation of changes to the buildings

On a roll call vote of 6-0, Ordinance No. 1258 passed on second reading.

Bob Long, attorney, requested that Council pass the ordinance on its third and final reading at this meeting.

There being no motion to suspend the rules and proceed to the third reading, Mayor Trantham advised that the third and final reading of Ordinance No. 1258 would be held on February 18, 1982.

ORDINANCE NO. 1263 - AN ORDINANCE AMENDING SECTION 28.81.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

7. Consideration was given to an ordinance amending Section 28.81.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

The Assistant City Manager read the ordinance stating that this ordinance will delete the present 20 miles per hour speed regulation on Southside Avenue (U.S. 25) from Coxe Avenue to Biltmore Avenue (U.S. 25). The speed limit will revert to 35 miles per hour as authorized by N. C. General Statutes.

Vice-Mayor Price moved for the adoption of Ordinance No. 1263. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1263 passed on first reading.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1263. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1263 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1263. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1263 passed on third and final reading.

Complete text of Ordinance No. 1263 will be found in Ordinance Book No. 9 at page 316.

RESOLUTION NO. 82-18 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO PROJECT 9.8130263 (U.S. 25 RAMP - WOODFIN STREET AND MARKET STREET)

8. Consideration was given to a resolution authorizing the Mayor to enter into a Municipal Agreement with the North Carolina Board of Trans-

235

Councilwoman Frank moved to suspend the rules and proceed to the third reading of Ordinance No. 1261. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1261 passed on third and final reading.

Complete text of Ordinance No. 1261 will be found in Ordinance Book No. 9 at page 311-313.

ORDINANCE NO. 1262 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS THE "KRESS BUILDING" LOCATED AT 21 PATTON AVENUE IN ASHEVILLE, NORTH CAROLINA AS HISTORIC PROPERTY

Richard Thornton, with the Planning Department, read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1262. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 6-0, Ordinance No. 1262 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1262. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1262 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1262. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1262 passed on third and final reading.

Complete text of Ordinance No. 1262 will be found in Ordinance Book No. 9 at page 314-315.

ORDINANCE NO. 1258 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY LOCATED IN KENILWORTH)

6. Consideration was given to the second reading of Ordinance No. 1258, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended. (property located in Kenilworth)

Mayor Trantham stated that this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

The Assistant City Manager read the resolution stating that Paving Enterprises, Inc., P. O. Box 647, Arden, North Carolina, is low bidder for the construction of the Kenilworth Park Parking Lot paving and Walton Street Park Parking Lot paving. This resolution will authorize the Mayor to execute a contract for the work.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-20 was unanimously adopted.

Complete text of Resolution No. 82-20 will be found in Resolution Book No. 13 at page 148.

REQUEST FOR AMENDMENT TO THE ZONING ORDINANCE - BED AND BREAKFAST OF ASHEVILLE

The Assistant City Manager read the following letter from Bed and Breakfast of Asheville:

February 5, 1982

Mr. Kenneth Michalove
City Manager
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Dear Mr. Michalove:

As you are aware, there will be approximately one million additional visitors in our city this summer for the World's Fair. Overnight accommodations will be taxed and hundreds of people will be without lodging.

I have set up a business that will serve as a clearing house for the visitors who will need overnight lodging in private homes. Since there are zoning restrictions that prohibit homeowners from renting rooms for profit, I am requesting that an ordinance be drawn waiving the existing ordinances on single-family homes and dwellings to allow property owners to accommodate overnight visitors for up to three (3) nights during the World's Fair. The effective dates for the ordinance to run will be March 15, 1982 through November 15, 1982.

I would further request of council that the privilege license be waived for the individual homeowners and a business license be issued to Bed & Breakfast of Asheville, the promoter.

Sincerely,

BED & BREAKFAST OF ASHEVILLE

Kenneth R. Lawson
President

portation relative to Project 9.8130263 (U.S. 25 Ramp - Woodfin Street and Market Street).

The Assistant City Manager read the ordinance stating that the North Carolina Department of Transportation has proposed to make certain traffic control improvements within the City, consisting of upgrading the existing traffic signal at the intersection of U.S. 25 Ramp - Woodfin Street and Market Street. Under the proposed Municipal Agreement the City agrees to install metal poles and mast arms in lieu of wooden poles and span wire; subject, however, to a lump sum payment of nine hundred dollars (\$900.00) to be made by said Department towards the cost of the metal poles and mast arms. This resolution will authorize the Mayor to sign said Municipal Agreement.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-18 was unanimously adopted.

Complete text of Resolution No. 82-18 will be found in Resolution Book No. 13 at page 146.

SCHEDULING OF A PUBLIC HEARING - AMENDING THE ZONING ORDINANCE TO ALLOW FOR REPOSITORIES FOR ASHES OF HUMAN REMAINS - ANCILLARY USE TO CHURCHES

Councilwoman Frank moved to schedule a public hearing relative to amending the zoning ordinance to allow for repositories for ashes of human remains as an ancillary use to churches for March 4, 1982. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 82-19 - RESOLUTION OF APPRECIATION TO ARTHUR E. EVE, JR., AS CHAIRMAN OF THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution of appreciation to Arthur E. Eve, Jr., as Chairman of the Asheville Transit Authority.

Vice-Mayor Price read the resolution.

Vice-Mayor Price moved for the adoption of Resolution No. 82-19. This motion was seconded by Councilwoman Frank and carried unanimously.

Complete text of Resolution No. 82-19 will be found in Resolution Book No. 13 at page 147.

RESOLUTION NO. 82-20 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS KENILWORTH PARK PARKING LOT PAVING AND WALTON STREET PARK PARKING LOT PAVING

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc., for the project known as Kenilworth Park Parking Lot Paving and Walton Street Park Parking Lot Paving.

Thursday, February 18, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, Joe Pless, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott.

Absent: Vice-Mayor Norma I. Price

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 11, 1982, meeting.

Councilwoman Frank asked that the minutes be amended to include her statement requesting Mr. Lawson furnish Council with guidelines for the people participating in the Bed & Breakfast of Asheville program.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the February 11, 1982, meeting were approved as amended.

ORDINANCE NO. 1258 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (property located in Kenilworth)

2. Consideration was given to the third and final reading of Ordinance No. 1258, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended - property located in Kenilworth.

Mayor Trantham stated that this ordinance was previously read on its first reading and would not be reread in its entirety unless there was a specific request to do so.

Mr. Peter Winslow, 288 Kenilworth Road, reminded the Council of the approximate 120 acres of R-3 land still in Kenilworth and the number of apartments that could be built at some future date on that land. He also wanted the Council to know that the Kenilworth residents were very much concerned with quality construction and that they did not want quantity construction.

Councilman Myers said that it was not Council's intent to place 1,200 apartments in the R-3 District and that the Council was going to look at an initial draft of a mountainside acreage ordinance at next week's worksession in order to avoid this type of quantity construction.

Councilman McDevitt said that he wanted to make sure that the Kenilworth residents were in agreement with this ordinance. He said that once the mountainside acreage ordinance was developed the Kenilworth residents would have the opportunity to control the R-3 land development.

Kenneth R. Lawson, President of Bed & Breakfast of Asheville, requested that Council amend the zoning ordinance restrictions that prohibit homeowners from renting rooms for profit during the time of March 15, 1982, through November 15, 1982. He said his company would not be promoting tourist homes but would be a clearing house for the visitors who will need overnight lodging in private homes. He said his company would be advertising with the Chamber of Commerce.

Councilman McDevitt said that he felt the hotel and motel owners in the City of Asheville should be aware of Council's consideration to allow Mr. Lawson's request.

Councilman Myers moved to schedule a public hearing relative to waiving the provisions of the Asheville Zoning Ordinance for the period of March 15, 1982, through November 15, 1982, which prohibits or restricts the use of private dwellings. This motion was seconded by Councilwoman Frank and carried unanimously.

Mayor Trantham commented that during the pre-council meeting a discussion was held relative to the hotels and motels possibly tripling their rates during the World's Fair season. He said it was Council's intent to set up a meeting with the Chamber of Commerce and the hotel/motel owners to request that they keep reasonable rates during this period of time.

PROCLAMATION - NATIONAL MUSIC WEEK - MAY 2-9, 1982

Mayor Trantham proclaimed May 2-9, 1982, as National Music Week.

CLAIMS - LAWSUITS REPORT - J. SWEENEY AUTO LEASING - VIRGINIA BLAKELY - ANTHONY SWEPSON - ERVIN HUNTER - ROBERT OSBORNE - DEWEY CASEY - ETHEL TOLLEY - W. W. CARTER - JOHN BEST - JOE TRULOVE

The Assistant City Manager presented claims received from J. Sweeney Auto Leasing, Virginia Blakely, Anthony Swepson, Ervin Hunter, Robert Osborne, Dewey Casey, and Ethel Tolley and was served with summonses from W. W. Carter, John Best and Joe Trulove.

Mayor Trantham referred the claims and lawsuits to the Corporation Counsel for investigation and recommendation.

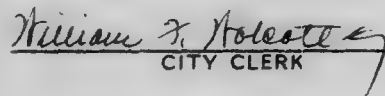
RALPH BISHOP - COMMENTS RELATIVE TO FORMER POLICE CHIEF J. C. HALL

Ralph Bishop spoke to Council relative to his inquiry in obtaining records of former Police Chief J. C. Hall's pension.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Vice-Mayor Price, the meeting adjourned at 5:15 P.M.


MAYOR


CITY CLERK

300

The City Manager read the resolution and explained that this was unimproved property for the widening of an intersection relative to the Cinnamon Ridge Apartment Complex.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-22 was unanimously adopted.

Complete text of Resolution No. 82-22 will be found in Resolution Book No. 13 at page 150.

RESOLUTION NO. 82-23 - RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A DRIVEWAY PERMIT ON BEHALF OF THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

6. Consideration was given to a resolution authorizing the Mayor to apply to the North Carolina Department of Transportation for a driveway permit on behalf of the Asheville Regional Airport Authority.

The City Manager read the resolution. He explained that this driveway will provide an entrance way to the U-Drive-It parking area off Airport Road.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-23 was unanimously adopted.

Complete text of Resolution No. 82-23 will be found in Resolution Book No. 13 at page 151.

CLAIMS - CHARLES DUICK, NANCY LARKIN

The City Manager presented claims received from Mr. Charles Duick and Ms. Nancy Larkin.

Mayor Trantham referred the claims to the Corporate Counsel for investigation and recommendation.

RESOLUTION NO. 82-24 - RESOLUTION FOR CITY OF ASHEVILLE MEMBERSHIP IN THE ASHEVILLE-BUNCOMBE DEVELOPMENT CORPORATION

Consideration was given to a resolution for City of Asheville membership in the Asheville-Buncombe Development Corporation.

The City Manager read the resolution. He explained that the Mayor and he attended the organizational meeting of the Asheville-Buncombe Development Corporation. He said the members are principally executives of major banks in the City and other private interested individuals that wanted to take part as charter members. He said that the program is designed to help businesses obtain long-term financing for capital improvements and fixed assets.

In response to Councilman McDevitt's inquiry relative to the founding of this Corporation, the City Manager explained that it was a staff effort of Dennie Martin and Becky Williams along with the efforts of the Revitalization Commission which started several months ago. He said that the program has been in existence for approximately 1½ years and has worked successfully in Wilmington, N. C.

201

Councilwoman Frank said that all of Council felt a responsibility for protecting the neighbors and that was why they have suggested the rezoning in Kenilworth from R-3 to R-2. She also noted that all the Council members are committed to working on the mountainside acreage ordinance.

Mayor Trantham noted that everytime a good project is being considered, there is always people who want the area rezoned to keep the development from being built and soon there will be no available land to build on.

On a roll call vote of 6-0, Ordinance No. 1258 passed on its third and final reading.

Complete text of Ordinance No. 1258 will be found in Ordinance Book No. 9 at page 304.

RESOLUTION NO. 82-21 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE GREAT SMOKIES HOTEL ASSOCIATION FOR THE CONSTRUCTION OF A SEWER LINE AND APPURTENANCES ON THE PROPERTY OF THE GREAT SMOKIES HOTEL ASSOCIATION

3. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the Great Smokies Hotel Association for the construction of a sewer line and appurtenances on the property of the Great Smokies Hotel Association.

The City Manager read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-21 was unanimously adopted.

Complete text of Resolution No. 82-21 will be found in Resolution Book No. 13 at page 149.

BUDGET AMENDMENT - CITY OF ASHEVILLE ANNUAL OPERATING OR CAPITAL PROJECTS BUDGET FOR 1981-82 (FEDERAL GRANTS PROGRAM FUND)

4. Consideration was given to a motion approving a budget amendment amending the City of Asheville Annual Operating or Capital Projects Budget for 1981-82 as follows:

- A) Federal Grants Program Fund - This budget amendment in the amount of \$680 is to reflect additional funding received to allow the continuation of the music enrichment program at Reid Center.

The City Manager presented the budget amendment.

Councilman McDevitt moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-22 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE HAW CREEK ROAD IMPROVEMENT PROJECT

5. Consideration was given to a resolution authorizing condemnation of property in the Haw Creek Road Improvement Project.

Complete text of Resolution No. 82-25 will be found in Resolution Book No. 13 at page 153.

RALPH BISHOP

Mr. Ralph Bishop spoke to Council relative to the problem in obtaining police pension records.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, the meeting adjourned at 5:10 p.m.


MAYOR


CITY CLERK

In reply to Councilman McDevitt's inquiry as to how the money is made available, Councilman Wilkes said that the banks and savings and loan institutions provide up to 50% of a loan, the Small Business Association will provide up to 40% and the small businessman at least 10%.

The City Manager said that the only commitment that the City would be required to make is a \$100 a year membership fee and that for the time being we are willing to have either Dennie Martin or Becky Williams work with the Board of Directors to help them with their paperwork. He said the City does not have any responsibility such as financing, making of loans or approval of loans.

Councilman Myers was interested in what incentives the banks have to loan money at a rate well below the current market. He said that if the City is going to have redevelopment of the downtown the way we want it, there will have to be a major effort on the part of the City to work towards this goal and feels that if this program meets that need, he welcomes it, if not, the City should look for alternatives.

Councilwoman Frank stated that she was on the sub-committee of this program and that one of the purposes of the Small Business Association is to provide money for small businesses. She said that the SBA guarantees the banks against any loss up to 90%.

Councilman McDevitt expressed the concern of the City possibly being financially committed to this program; thereby, restricting our ability to undertake an even broader program on behalf of the City in the future. The City Manager assured Councilman McDevitt that the City is only committed to the \$100 a year membership fee and the staff time.

Councilman McDevitt requested a copy of the corporate charter by-laws.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-24 was unanimously adopted.

Complete text of Resolution No. 82-24 will be found in Resolution Book No. 13 at page 152.

PROCLAMATION - MARCH 14-20, 1982 - AMERICAN ASSOCIATION OF UNIVERSITY WOMEN WEEK

Councilwoman Frank proclaimed the week of March 14-20, 1982 as "American Association of University Women Week."

RESOLUTION NO. 82-25 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSENT JUDGEMENT ON BEHALF OF THE CITY OF ASHEVILLE IN CONJUNCTION WITH THE MILDRED WHITENER CLAIM

Consideration was given to a resolution authorizing the Mayor to execute a consent judgement on behalf of the City of Asheville in conjunction with the Mildred Whitener claim.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-25 was unanimously adopted.

The following conditions shall be met by each dwelling used for said overnight accommodation and/or lodging:

- 1) Provision of off-street parking for private autos and campers or trailers adequate to meet the needs of the property owner and guest - minimum of three spaces available.
- 2) Proof of inspection and approval by the Buncombe County Health Department.
- 3) Signage for said lodging shall be prohibited.

He said that when an individual property owner provides overnight accommodations in concert with or being sponsored by a commercial corporation, and/or a nonprofit organization, such as a church organization, only the sponsoring corporation or nonprofit organization will be required to procure a privilege license as provided for in Section 15 of Ordinance No. 1027, regarding Tourist Homes. If however, an individual property owner offers his dwelling as an independent lodging, then said individual property owner shall be required to procure the appropriate privilege license.

In response to Councilman Wilkes inquiry about the overload of work of the Buncombe County Health Department in inspecting and approving all dwellings, Mr. Emrick said that we are only responsible for the dwellings within the jurisdiction of the ordinance, not throughout the County.

Mr. Emrick said that, per Council's previous request, the Planning Department had notified approximately 25 motel and hotel owners in this area of this public hearing in case they would like to participate in said hearing.

Mr. Ken Lawson, President of Bed & Breakfast of Asheville, said that there would be approximately 100 to 105 rooms involved. He said that with the approximately 1 million people coming to Asheville during the six-month period, their primary goal is to provide comfortable, clean accommodations in private homes for the overflow of people. He said that he sees his program as a supplement to the hotel/motel industry, not a threat. He said that there are no time limits as far as people wanting to participate and signing up in his program.

In response to Vice-Mayor Price's inquiry, Mr. Lawson said that each guest has to appear in his office to fill out a registration form which includes a preference of what type of room or family that he would like to stay with. Mr. Lawson said that he would try to make sure that the family and guests are compatible.

In response to Councilman Pless' inquiry relative to room rates and advertising, Mr. Lawson said that their standard rate is \$35.00 for 2 people and he is advertising. He feels that the people will go to the commercial establishments first, then look for alternatives such as Bed & Breakfast of Asheville.

Mr. Maurice Neighbors, President of Asheville Area Tourism Association, said that he felt that if the City of Asheville is going to invite and urge people to come to Asheville and return to Asheville, then we must provide them a place to stay. He feels that Bed & Breakfast of Asheville is not competitive to the hotel/motel membership within the Asheville Area Tourism Association and he feels that the basis and foundation of this program is good.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, Joe Pless, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 18, 1982, meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the February 18, 1982, meeting were approved as submitted.

PRESENTATION OF LETTER TO MR. JOHN HAYES RELATIVE TO PROGRAM IN THE HILLCREST RECREATION CENTER DISTRICT

2. The Asheville City Council expressed their pride and appreciation for the excellent enrichment program that Mr. John Hayes coordinated in the Hillcrest Recreation Center District.

Councilman Wilkes read the letter of appreciation.

PUBLIC HEARING - WAIVING PROVISIONS OF THE ASHEVILLE ZONING ORDINANCE DURING THE WORLD'S FAIR

ORDINANCE NO. 1264 - AN ORDINANCE PROVIDING FOR OVERNIGHT ACCOMMODATIONS IN ALL RESIDENTIAL ZONES DURING THE WORLD'S FAIR

3. A public hearing was held relative to waiving provisions of the Asheville Zoning Ordinance during the time of the World's Fair in order to insure that the widest range of overnight accommodations may be made available in the community.

Mayor Trantham opened the public hearing at 4:13 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Planning Director, said that several months ago Mr. Ken Lawson requested that consideration be given to amend the Zoning Ordinance waiving certain provisions to provide for the conduct of his business, which is Bed and Breakfast of Asheville. The proposed ordinance would allow the overnight lodging on an individual basis or being sponsored by a commercial activity or a non-profit organization. He said that for all the residential zones for the period of May 1, 1982 to November 1, 1982, the provisions of Ordinance No. 322 which prohibit or restrict the use of private dwellings as commercial tourist homes would be held in abeyance. He said that all other provisions of Ordinance No. 322 shall be complied with except as follows:

The City Manager read the resolution.

Reverend Wiltshire commented on the excellent support that the City has given in this program and that this is a significant step forward.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank Resolution No. 82-27 was unanimously adopted.

Complete text of Resolution No. 82-27 will be found in Resolution Book No. 13 at page 155.

BIDS - CAST IRON METER BOX COVERS - RIMS AND LIDS

6. Consideration was given to bids received January 29, 1982, to furnish the Water and Sewer Department with 500 cast iron meter box covers.

The City Manager presented the bids stating that five bids were received. He said that Silverman Company submitted the low bid in the amount of \$10,466.20. The Director of Water and Sewer Services has reviewed the bids and concurs in the recommendation to award the bid to Silverman Company. He said that sufficient funds for this purchase are available in the Water and Sewer Services Department, Water Maintenance and Construction appropriations.

Vice-Mayor Price moved to accept the low bid submitted by Silverman Company in the amount of \$10,466.20. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-28 - RESOLUTION SUPPORTING THE VOTERS RIGHTS ACT OF 1965

Consideration was given to a resolution supporting the Voters Rights Act of 1965.

Councilwoman Frank read the resolution.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-28 carried on a 6-1 vote, with Councilman McDevitt voting "no."

Complete text of Resolution No. 82-28 will be found in Resolution Book No. 13 at page 156.

RESOLUTION NO. 82-29 - RESOLUTION ENCOURAGING VISITORS AND GUESTS, ESPECIALLY THOSE ATTENDING THE WORLD'S FAIR, TO STOP IN ASHEVILLE AND RETURN AFTER TO ENJOY OUR PEOPLE, OUR SCENERY, OUR STORES, AND THE HOSPITALITY OF OUR LODGING

Consideration of a resolution encouraging visitors and guests, especially those attending the World's Fair in Knoxville, Tennessee, to stop in Asheville and return after to enjoy our people, our scenery, our stores, and the hospitality of our lodgings.

Councilman McDevitt read the resolution which called upon the business community of this City to continue those pricing policies which would encourage travelers to visit Asheville and to return often.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-29 was unanimously adopted.

Mr. Lloyd Kirk, Owner and Operator of the Forest Manor Motor Lodge on Hendersonville Road, spoke in length about the room rates during the World's Fair. He said that he researched this item and found out that the rate range of \$36-84 for a double room is a very fair rate in a resort area like Asheville with or without the World's Fair. He said that the rates would no doubt be slightly increased, but nowhere near the 100% increase noted in the article in the newspaper on February 13, 1982.

Vice-Mayor Price and Councilman Pless cited figures they heard relative to the room rates increasing drastically.

Mayor Trantham said he hoped that with all the publicity on room gauging, it would discourage hotels and motels in Asheville from doing same.

Mr. Chris Moutos, Mountaineer Inn on Tunnel Road, spoke against the drastic increase in room rates.

Mayor Trantham closed the public hearing at 4:55 p.m.

Mr. Emrick read the ordinance.

Vice-Mayor Price said she realized that there should be adequate off-street parking available, but felt that Mr. Johnson, Director of Inspections, should have the final determination that adequate off-street parking is available, not the minimum of three spaces stated in the proposed ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1264, with the elimination of the words "minimum of three spaces available." This motion was seconded by Councilman Pless.

On a roll call vote of 7-0, Ordinance No. 1264 passed on its first reading.

RESOLUTION NO. 82-26 - RESOLUTION AUTHORIZING THE MAYOR TO AUTHORIZE THE EXECUTION OF EASEMENT DOCUMENTS BETWEEN CAROLINA POWER AND LIGHT COMPANY AND THE RHOADES ESTATE

4. Consideration was given to a resolution authorizing the Mayor to authorize the execution of easement documents between Carolina Power and Light Company and the Rhoades Estate.

The City Manager read the resolution stating that the City of Asheville leases the Rhoades Estate as a landfill site and this easement will in no way affect the City's use of the leased premises.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-26 was unanimously adopted.

Complete text of Resolution No. 82-26 will be found in Resolution Book No. 13 at page 154.

RESOLUTION NO. 82-27 - RESOLUTION AUTHORIZING AN AMENDMENT TO THE ASHEVILLE HUD - UDAG PROGRAM TO PROVIDE FUNDING IN SUPPORT OF THE YMI CULTURAL CENTER PROJECT

5. Consideration was given to a resolution authorizing an amendment to the Asheville HUD - UDAG Program to provide funding in support of the YMI Cultural Center Project.

ADJOURNMENT

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the meeting adjourned at 5:15 p.m.

Raymond H. H. H.
MAYOR

Helen A. H. H.
CITY CLERK

300

Complete text of Resolution No. 82-29 will be found in Resolution Book No. 13 at page 157.

ASHE COUNTY INVESTIGATION

Mayor Trantham requested that the officers from the Asheville Police Department that were involved in the Ashe County investigation be commended.

GOVERNMENTAL SERVICES COMMITTEE - MARCH 3, 1982

The City Manager stated to Council that the Governmental Services Committee will meet on Wednesday, March 3, 1982, at 12:00 Noon for lunch in the 4th Floor Conference Room.

CLAIMS - JOHN MILLER, VIVIAN JOHNSON

The City Manager presented claims received from Mr. John Miller and Ms. Vivian Johnson. He stated that these claims have been referred to the appropriate insurers for adjustment.

APPEAL FROM WALTER D. GILCHRIST - RELATIVE TO POLICEMEN'S PENSION AND DISABILITY FUND

The City Manager presented an appeal received from Walter D. Gilchrist appealing a decision by the City of Asheville Policemen's Pension and Disability Fund Board of Trustees.

Mayor Trantham referred the appeal to the Corporate Counsel for review and recommendation on a date to hear the appeal.

PROCLAMATION - NATIONAL NUTRITION MONTH - MARCH, 1982

Mayor Trantham proclaimed the month of March, 1982, as "National Nutrition Month" in the City of Asheville, North Carolina.

RESOLUTION NO. 82-30 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A PERFORMANCE AND INDEMNITY BOND FOR THE DRIVEWAY PERMIT ON FANNING BRIDGE ROAD AT THE ASHEVILLE REGIONAL AIRPORT

Consideration was given to a resolution authorizing the Mayor to sign a performance and indemnity bond for the driveway permit on Fanning Bridge Road at the Asheville Regional Airport.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-30 was unanimously adopted.

Complete text of Resolution No. 82-30 will be found in Resolution Book No. 13 at page 158.

RALPH BISHOP

Mr. Ralph Bishop spoke on various items related to the City of Asheville.

- 1) Rezone from LI Light Industrial District to R-5 Residential District:

Ward 6, Sheet 31, Lots 77, 78, 79, 80, 81, 82, 132 and a portion of Lot 133.

- 2) Zone the lots now inside the City limits to R-5 Residential District:

Ward 6, Sheet 31, Lots 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 114, 127, 128, 129, 130, 131, and the remaining portion of Lot 133.

- 3) Zone one lot now inside the City limits to LI Light Industrial District:

Ward 6, Sheet 31, Lot 126.

Mayor Trantham closed the public hearing at 4:18 p.m.

Mr. Emrick read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1265. This motion was seconded by Councilman McDevitt.

On a roll call vote of 10-0, Ordinance No. 1265 was passed on its first reading.

PUBLIC HEARING - AMENDING THE ASHEVILLE ZONING ORDINANCE TO ALLOW FOR REPOSITORIES FOR ASHES OF HUMAN REMAINS AS AN ANCILLARY USE TO CHURCHES

ORDINANCE NO. 1266 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held to allow for repositories for ashes of human remains as an ancillary use to churches.

Mayor Trantham opened the public hearing at 4:20 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick said that the Asheville Planning and Zoning Commission at its meeting on February 3, 1982, considered a request from Chairman William Frue on behalf of St. Mary's Episcopal Church that the Asheville Zoning Ordinance be amended to permit repositories for human ashes. He said that after some discussion the Commission voted to recommend to Council that repositories for ashes for human remains as an ancillary use to churches be permitted as a conditional use in the R-1, R-2, R-3, R-4, and R-5 Residential Districts.

Mayor Trantham closed the public hearing at 4:24 p.m.

Councilman Wilkes moved for the adoption of Ordinance No. 1266. This motion was seconded by Councilman Myers.

Thursday, March 4, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, Joe Pless, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 25, 1982, meeting.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, the minutes of the February 25, 1982, meeting were approved as submitted.

PUBLIC HEARING - GRANT APPLICATION WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION - OPERATING ASSISTANCE FUNDS FOR ASHEVILLE TRANSIT AUTHORITY

2. A public hearing was held relative to an annual grant for operating assistance funds for the Asheville Transit Authority. The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. Mayor Trantham opened the public hearing at 4:12 p.m.

Mr. Verl Emrick, Director of Planning, said that this annual grant is for operating assistance funds for the Asheville Transit Authority. The total amount of the application will be \$986,192 of which local share will be \$493,096 and federal share will be \$493,096. He explained that the public hearing held on November 19, 1981, was not advertised thirty days prior to the meeting, therefore, the Urban Mass Transportation Administration required the City of Asheville to hold another hearing.

Mayor Trantham closed the public hearing at 4:15 p.m.

PUBLIC HEARING - ZONING OF THE BINGHAM HEIGHTS ANNEXATION AREA

ORDINANCE NO. 1265 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to zoning property in the Bingham Heights area (also known as Pearson Bridge Road area).

Mayor Trantham opened the public hearing at 4:16 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Emrick said that when the area was annexed in July 1, 1981, there was a portion of the upper area that was not zoned at the time. He said that the City Code and State Statutes require all parts of the City be zoned if the City has a zoning ordinance; therefore, the Planning and Zoning Commission voted unanimously to recommend the following zoning for the property:

of two of the three bodies, in determining the location of a new water source."

Upon motion of Councilman Wilkes, seconded by Vice-Mayor Price, Resolution No. 82-31 was unanimously adopted.

Complete text of Resolution No. 82-31 will be found in Resolution Book No. 13 at page 159.

RESOLUTION NO. 82-32 - RESOLUTION AUTHORIZING APPLICATION FOR ASHEVILLE AREA FOUNDATION FUNDS IN SUPPORT OF THE ASHEVILLE-BUNCOMBE DEVELOPMENT CORPORATION FOR ECONOMIC DEVELOPMENT INCENTIVES.

7. Consideration was given to a resolution authorizing application for Asheville Area Foundation funds in support of the Asheville-Buncombe Development Corporation for Economic Development incentives.

The Associate City Manager read the resolution stating that this resolution is authorizing the Mayor to sign a request to the Asheville Community Foundation in the amount of \$5,000 for seed money to assist in establishing the Asheville-Buncombe Development Corporation. The said that the purpose of the Asheville-Buncombe Development Corporation is to provide financial incentives for economic development activities such as the Small Business Administration 503 Program.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-32 was unanimously adopted.

Complete text of Resolution No. 82-32 will be found in Resolution Book No. 13 at page 162.

RESOLUTION NO. 82-33 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF NORTH CAROLINA FOR AN OFFER OF STATE GRANT FUNDS, MADE AVAILABLE BY THE NORTH CAROLINA CLEAN WATER BOND ACT OF 1977

8. Consideration was given to a resolution authorizing the Mayor to execute an agreement with the State of North Carolina for an offer of State grant funds, made available by the North Carolina Clean Water Bond Act of 1977.

The Associate City Manager read the resolution and said that by Resolution No. 81-216, the Mayor was authorized to file an application with the State of North Carolina for State Water Bond Funds relative to the Reed Creek Sewer Line. He said that this resolution would authorize the Mayor to execute the necessary documents for this grant which is in the amount of \$98,000.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-33 was unanimously adopted.

Complete text of Resolution No. 82-33 will be found in Resolution Book No. 13 at page 163.

BUDGET AMENDMENT - ASHEVILLE-BUNCOMBE REVITALIZATION FUND

9. Consideration was given to a budget amendment amending the Asheville-Buncombe Revitalization Fund.

On a roll call vote of 7-0, Ordinance No. 1266 was passed on its first reading.

ORDINANCE NO. 1264 - AN ORDINANCE PROVIDING FOR OVERNIGHT ACCOMMODATIONS IN ALL RESIDENTIAL ZONES DURING THE WORLD'S FAIR

5. Consideration was given to the second reading of Ordinance No. 1264, an ordinance providing for overnight accommodations in all residential zones during the World's Fair.

The City Manager said that due to the number of suggested wording changes, he would re-read the ordinance incorporating the changes.

Vice-Mayor Price moved to amend Ordinance No. 1264 as read by the City Manager. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1264 as amended passed on its second reading.

The City Manager said that Council's decision on the issuance of the license is that if a household is working with an organization, such as Bed & Breakfast of Asheville, there is a \$5 privilege license for the business and a \$5 annual privilege license for each household. He said that if they are renting more than one bedroom in the household, it will be an additional \$1 for each room. He said that if anyone as an individual wants to rent out a room, it will be \$5 for the initial fee and \$1 for each additional room.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1264, as amended. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1264 as amended passed on its third and final reading.

Complete text of Ordinance No. 1264 as amended will be found in Ordinance Book No. 9 at page 317.

RESOLUTION NO. 82-31 - RESOLUTION APPROVING THE PLANS OF THE ASHEVILLE/BUNCOMBE WATER AUTHORITY FOR AN ADDITIONAL RESOURCE DEVELOPMENT PLAN

6. Consideration was given to a resolution approving the plans of the Asheville/Buncombe Water Authority for an additional resource development plan.

The City Manager read the resolution stating that the Asheville/Buncombe Water Authority has recommended to the City and County a plan for the development of an additional water supply. He said that this resolution would approve the proposal of the Asheville/Buncombe Water Authority as described in the Asheville/Buncombe Water Authority Resolution No. 82-01 and detailed in feasible options 1, 2, and 3.

After some discussion relative to the wording of the resolution, it was the consensus of Council to add the following sentence in the resolution:

" . . . and subject to the provisions of the Water Agreement, Article IV, Section (a) which requires the affirmative vote

Therefore, by unanimous vote to approve these items, the City Council may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 82-34 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with M.B. Haynes Electric Corporation for the project known as "Murphy Oakley Park Entrance Road and Parking Lot Lighting."

HIGHLIGHTS: On Tuesday, February 16, 1982, five bids were received. M.B. Haynes Electric Corporation submitted the low bid in the amount of \$11,686.00. The Civil Engineer has reviewed the bids and concurs in recommending the award to M.B. Haynes Electric Corporation.

Resolution Book No. 13 at page 164.

- B. Resolution No. 82-35 - Resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Lanford Brothers Company, Inc., for the project known as "Pack Square Project Milling."

HIGHLIGHTS: On Tuesday, February 9, 1982, two bids were received. This was the second time bids were received on this particular project - at the first bid opening on December 7, 1981, only one bid was received. That bid was returned to the bidder and the project was readvertised. Bridgeneck Protection and Sealing Co., Inc. the apparent low bidder in the amount of \$39,889.40, has no North Carolina General Contractor's License, as required by the contract. Lanford Brothers has this license and they are qualified to do this work (in the amount of \$40,136.64). The Civil Engineer has reviewed the bids and recommends Lanford Brothers Co., Inc. as the lowest qualified bidder in the amount of \$40,136.64.

Resolution Book No. 13 at page 165.

- C. Resolution No. 82-36 - Resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation for the water line on Mountain Drive, off Young's Cove Road (SR #119).

HIGHLIGHTS: The North Carolina Department of Transportation is preparing to assume maintenance responsibilities for Mountain Drive off of Young's Cove Road. Mountain Drive is used as an access road to Young's Cove Reservoir by the Water & Sewer Services Depart-

Mr. Bob Wurst, Budget Director, said that this budget amendment is to reappropriate \$50,000 of unspent funding from the Asheville Downtown Commercial Complex Project and establish funding for the Downtown Revitalization Projects.

Vice-Mayor Price moved to approve the budget amendment as presented by the Budget Director. This motion was seconded by Councilwoman Frank and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL FUND

10. Consideration was given to a budget amendment amending the City of Asheville General Fund.

Mr. Bob Wurst, Budget Director, said that this budget amendment is to appropriate \$6,000 from General Fund Contingency to Facility Services - M & R Building for unanticipated repairs to the City Hall Bell Tower Roof. He said that heavy, blowing rain has caused leaks on the elevator motors located on the 9th Floor.

Councilwoman Frank moved to approve the budget amendment as presented by the Budget Director. This motion was seconded by Vice-Mayor Price and carried unanimously.

BUDGET AMENDMENT - WATER AND SEWER CAPITAL CONSTRUCTION FUND

11. Consideration was given to a budget amendment amending the Water and Sewer Capital Construction Fund.

Mr. Bob Wurst, Budget Director, said that this budget amendment is to appropriate \$5,000 as the City's share for the construction of a pump station for the Tiny Farms Area/New West Buncombe Elementary School. The County will appropriate \$10,000 for the construction of this pumping station.

Vice-Mayor Price moved to approve the budget amendment as presented by the Budget Director. This motion was seconded by Councilwoman Frank and carried unanimously.

BUDGET AMENDMENT - WATER MAJOR CAPITAL IMPROVEMENT FUND

12. Consideration was given to a budget amendment amending the Water Major Capital Improvement Fund.

Mr. Bob Wurst, Budget Director, said that this budget amendment, in the amount of \$193,261, is to appropriate funds to pay the North Carolina Department of Transportation for the cost of utility line relocations associated with the I-240 Project.

Councilman Wilkes moved to approve the budget amendment as presented by the Budget Director. This motion was seconded by Councilman Myers and carried unanimously.

APPROVAL OF THE CONSENT AGENDA

13. The Associate City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-38 was unanimously adopted.

Complete text of Resolution No. 82-38 will be found in Resolution Book No. 13 at page 168.

RESOLUTION NO. 82-39 - RESOLUTION APPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT UNDER ORDINANCE NO. 322 AS AMENDED BY ORDINANCE NO. 1265

Consideration was given to a resolution appointment members and alternate members to the Board of Adjustment under Ordinance No. 322 as amended by Ordinance No. 1265.

The City Manager read the resolution explaining that in order to comply with Ordinance No. 1265, it is necessary to realign the membership of the Board of Adjustment by decreasing the number of regular members and providing for alternate members. He said that Mr. John Acee, Mr. Jack Baber, Mr. W. T. Duckworth and Mr. John Abbott are hereby appointed to serve as regular members for a period of three years or until their successors are duly appointed and qualified. He said that Mr. Richard Webster, Mr. Harold Talbert, Mr. Tom McCurry and Mr. Graham Price are hereby appointed to serve as alternate members for a period of three years or until their successors are duly appointed and qualified.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-39 was unanimously adopted.

Complete text of Resolution No. 82-39 will be found in Resolution Book No. 13 at page 169.

RALPH BISHOP

Mr. Ralph Bishop spoke to the Council on various matters.

ADJOURNMENT

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, the meeting adjourned at 5:25 p.m.

Raymond J. Hartman
MAYOR

William J. Holcott
CITY CLERK

107

ment and has been partially maintained by the Water & Sewer Services Department in the past. There is an 8-inch water line that originates at Young's Cove Reservoir and extends along the entire length of Mountain Drive and the North Carolina Department of Transportation has requested that the City of Asheville submit to them a right-of-way encroachment agreement for the above-mentioned water line due to the fact that it will be located within the State right-of-way.

Resolution Book No. 13 at page 166.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the consent agenda was approved unanimously as presented.

CLAIMS - CLINTON SLUDER, D. GREEN, CAROLE BROWNING, WILLIAM E. CARTER, JR., DOUG KIRBY, JACK PADGETT

The City Manager presented the claims received from Clinton Sluder, D. Green, Carole Browning, William E. Carter, Jr., Doug Kirby and Jack Padgett. He stated that these claims have been referred to the appropriate insurers for investigation.

RESOLUTION NO. 82-37 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Consideration was given to a resolution appointing a member to the Asheville-Buncombe Historic Resources Commission.

The City Manager read the resolution explaining that Mrs. Miegan Gordon has resigned as a member of the Asheville-Buncombe Historic Resources Commission. He said that Mr. Carroll Hughes is hereby appointed to serve the unexpired term of Mrs. Miegan Gordon, term expiring July 1, 1983, or until his successor has been duly appointed and qualified.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-37 was unanimously adopted.

Complete text of Resolution No. 82-37 will be found in Resolution Book No. 13 at page 167.

RESOLUTION NO. 82-38 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution appointing a member to the Asheville Transit Authority.

The City Manager read the resolution explaining that Mr. Arthur Eve's term expired on December 31, 1981. He said that Brigadier General Walter J. Renfro is hereby appointed to serve as a member of the Asheville Transit Authority for a term of five years, term expiring December 31, 1986, or until his successor is duly appointed and qualified.

Joint City/County Meeting
March 5, 1982
Page Two

NOW, THEREFORE, BE IT RESOLVED BY THE ASHEVILLE CITY COUNCIL AND THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE AS FOLLOWS:

1. That they affirm their support and endorsement of House Bill Number 839.
2. That the Senators of the 26th Senatorial District, Honorable Robert Swain and Honorable James McClure Clarke, be presented with copies of this resolution and that each be urged to vote for and seek approval of House Bill Number 839.
3. That alternatively, the 26th Senatorial District and the House Members representing Buncombe County sponsor special legislation to authorize the Buncombe County Board of Commissioners by resolution to adopt and levy an additional one cent sales tax for Buncombe County which would be distributed to the municipalities in the County in accordance with the schedule heretofore followed for distribution.
4. That this resolution shall become effective upon its adoption.

Upon motion of Mr. Riddle, seconded by Mr. Ratcliff, the resolution presented by Mr. Riddle was unanimously adopted.

It was suggested that this resolution be brought to the attention of the Land-of-Sky Regional Council's Executive Committee at its next meeting, which would be Monday, March 8, 1982, with the request that they also lend their support and endorse House Bill 839.

Mrs. Price said she felt it would be a good idea to send supportive information along with the resolution to the legislative delegates.

It was the consensus of those attending that the next joint meeting of the City Council/County Commissioners would be held on Tuesday, March 30, 1982, at 4:00 p.m. at the County Courthouse.

The meeting was adjourned at 9:15 a.m.

MINUTES
CITY/COUNTY JOINT MEETING
MARCH 5, 1982

A joint meeting of the Asheville City Council and Buncombe County Commissioners was held on Friday, March 5, 1982, at 8:30 a.m. in the City Council Chambers.

The following individuals were present: Mayor Roy M. Trantham; Vice-Mayor Norma T. Price; Councilmembers Mary Lloyd Frank, Gordon Myers, Joe Pless and H. C. Wilkes; Chairman R. Curtis Ratcliff; Commissioners Doris Giezentanner, J. D. Jackson, Jesse Ledbetter and Robert Riddle; William F. Wolcott, Jr., City Clerk; City staff Charlotte Hutchison; news media Merrill Gregory.

The merits of both House Bill 1128 and House Bill 839 were discussed and it was determined that both the City and County were in agreement that they would support House Bill 839.

Mr. Ledbetter suggested that the County Commissioners meet with the School Board and decide the priorities relative to which new school would be built, Enka, North Buncombe or Vance Elementary.

Mr. Riddle read the following resolution:

RESOLUTION REQUESTING SENATE APPROVAL AND RATIFICATION OF HOUSE BILL #839

WHEREAS, the Asheville City Council and the Buncombe County Board of Commissioners at their March, 1982, joint meeting acknowledged that each of the two municipalities are presently in need of additional funds or revenues with which to continue funding of necessary services and programs; and

WHEREAS, House Bill Number 839, which would authorize the respective counties within the State to submit to the voters of each county a referendum on whether or not to levy an additional one cent sales tax, has been approved by the North Carolina House of Representatives and is presently pending in the Senate; and

WHEREAS, special legislation could be enacted in the event of the failure or passage of House Bill Number 839 to authorize Buncombe County to levy an additional one cent sales tax for distribution in accordance with the existing formula among the various municipalities in Buncombe County; and

WHEREAS, the Asheville City Council and the Buncombe County Board of Commissioners believe that it would be in the best interest of all citizens of Buncombe County if House Bill Number 839 were approved and adopted by the North Carolina Senate or alternatively that the House and Senate enact special legislation to authorize Buncombe County through resolution of the Buncombe County Board of Commissioners to levy an additional one cent sales tax for Buncombe County for distribution in accordance with the existing schedule to the various municipalities in Buncombe County.

ORDINANCE NO. 1266 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. Consideration was given to the second reading of Ordinance No. 1266, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, repositories for ashes for human remains as an ancillary use to churches.

Mayor Trantham said this ordinance was previously read on its first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1266 passed on its second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1266. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1266 passed on its third and final reading.

Complete text of Ordinance No. 1266 will be found in Ordinance Book No. 9 at page 321.

RESOLUTION NO. 82-40 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE CERTAIN BENEFITS AS SET FORTH IN CHAPTER 1310 OF THE SESSION LAWS OF 1973 (2ND SESSION, 1974)

4. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with North Carolina Governmental Employees' Retirement System to provide certain benefits as set forth in Chapter 1310 of the Session Laws of 1973 (2nd Session, 1974).

The City Manager read the resolution.

Mr. Sam Graves, Director of Employee Services, said that this resolution will provide an opportunity for eligible members of the Classified and Administrative Service of the City to purchase and/or receive credit for out-of-state service and repayment for previously withdrawn account from LGERS.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-40 was unanimously adopted.

Complete text of Resolution No. 82-40 will be found in Resolution Book No. 13 at page 170.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND

5. Consideration was given to a budget amendment amending the Community Development Fund.

The City Manager said that this budget amendment is transferring \$4,000 from the Shiloh Multi-Purpose Center over to the Murphy/Oakley Park to provide funding for lighting and fencing at the Murphy/Oakley Park.

Thursday, March 11, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, Joe Pless, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 4, 1982, meeting.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, the minutes of the March 4, 1982, meeting were approved as submitted.

SPECIAL EVENTS

Mayor Trantham said that an official ceremony to honor Billy Edd Wheeler and the recording of his new song "Asheville" is scheduled for 10:00 a.m. on Wednesday, March 31, 1982, in the Inn on the Plaza. He said that Mr. Wheeler is a Swannanoa native whose songwriting credits include the top-selling "Coward of the County" made famous by Kenny Rogers.

Mayor Trantham said that Governor Jim Hunt is scheduled to appear Friday, April 30, 1982, as featured speaker at the Asheville Area Chamber of Commerce Coffee Talk. He said that the special guests at the session will be Mr. Richard Boyer and Mr. David Savageau, co-authors of the "Places Rated Almanac," the book that told the world Asheville was the best place to live of all American cities with less than 125,000 people.

ORDINANCE NO. 1265 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 1265, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, rezoning property in the Bingham Heights area.

Mayor Trantham said this ordinance was previously read on its first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1265 passed on its second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1265. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1265 passed on its third and final reading.

Complete text of Ordinance No. 1265 will be found in Ordinance Book No. 9 at page 319.

CLAIMS - E. R. LAMY, SHERMAN LOGAN, MARTHA SPURRIER, DEBORAH SHEFFARD, DAVID COFFEY

The City Manager presented the claims received by E. R. Lamy, Sherman Logan, Martha Spurrier, Deborah Sheffard and David Coffey. He stated that these claims have been referred to the appropriate insurers for investigation.

RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH WESTERN CAROLINA EMERGENCY MEDICINE, P.A., TO PROVIDE ATTENDING PHYSICIAN SERVICES TO THE CITY INFIRMARY

Consideration was given to a resolution authorizing the City Manager of the City of Asheville to enter into a contractual agreement with Western Carolina Emergency Medicine, P.A., to provide attending physician services to the City Infirmary.

The City Manager read the resolution.

Upon inquiry of Councilman McDevitt, Mr. John Miall said that the primary purpose of the attending physician services in the City is to treat injuries that are sustained while on the job. He said that the attending physician provides the infirmary with standing orders for the treatment of sick and injured employees, along with an approved list of simple medications that can be dispensed. He stressed that the physician would not personally treat sick employees for general sicknesses, such as colds and flu.

Councilman McDevitt questioned the section dealing with fees. Mr. Miall said that the three specific services set out in the agreement are the services that the City uses often in the treatment of employees.

Councilman McDevitt requested that the phrase "Except for the charges specified below, . . ." be inserted at the beginning of the first paragraph under the "Fees and Payment for Services" section on Page 3.

Councilman McDevitt questioned the payments after termination.

Due to the several inquiries from the members of Council, the City Manager suggested that Council delay action on this resolution, review the contract further and place it on next week's agenda.

LEASING OF CITY EQUIPMENT

The City Manager presented an idea to Council relative to the leasing of City equipment acquisitions versus cash purchases. He said that there is a mechanism in today's rising interest rates and investment options for the City to actually take funds that it has set aside for capital outlay, invest those funds with a banking institution and then through a lease arrangement and the combining of interest, actually purchase the capital outlay for less money in the long run than the City would actually have paid out in cash.

He said that after investigating this financing technique, the Finance Director and the Purchasing Agent solicited proposals from 6 leasing firms on vehicles whose purchase was already authorized and the bid award made by Council. He said the solicitation letter indicated that proposals would be received until 4:00 p.m. on March 10 and that the City would notify the successful proposer of

177

Vice-Mayor Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

BIDS - ONE DIESEL POWERED TRACTOR WITH HYDRAULIC ARM MOWER SYSTEM

6. Consideration was given to bids received February 17, 1982, for one diesel powered tractor with hydraulic arm mower system.

The City Manager presented the bids and the recommendation of the Purchasing Director and the Director of Public Works stating that three bids were received. He said that all three of the bidders submitted proposals which were fully responsive to our specification. He said that in addition, two of the bidders submitted unsolicited alternate proposals for units not meeting specifications, in that the tractors do not include the specified full cab. He said that the Director of Public Works has reviewed the bids and recommends that an award be made to Farm Equipment Company of Asheville in the amount of \$29,666.00 as the lowest bid fully meeting the specifications. He said sufficient funds are available in the Revenue Sharing Fund, Public Works Department, Street Division appropriations.

Councilwoman Frank moved to accept the recommendation of the Purchasing Director and award the bid to Farm Equipment Company of Asheville in the amount of \$29,666.00. This motion was seconded by Councilman Myers and carried on a voice vote of 6-1, with Councilman McDevitt voting "no."

CONTRACT CHANGE ORDER - TEN TRANSIT COACHES

7. Consideration was given to approve a contract change order for ten transit coaches.

The City Manager presented the request for approval of a contract change order. He said that when the City awarded the contract on July 30, 1981, for ten transit coaches to Blue Bird Body Company of Fort Valley, Georgia, the contract bid of \$15,900 was included for an engine and transmission package. He said that Blue Bird Body Company offers a complete engine transmission cradle assembly to use for quick engine changeout. He said that Blue Bird Body Company will furnish the parts and assemblies to upgrade this to a complete slide-in/slide-out package for an additional \$6,447, bringing the total power package cost to \$22,347.00. He said that the additional funds for this purchase are available from the project budget UMTA NC-05-0019.

Councilwoman Frank moved to approve the contract change order for ten transit coaches as presented by the City Manager. This motion was seconded by Vice-Mayor Price and carried on a voice vote of 6-1, with Councilman McDevitt voting "no."

PUBLIC HEARING SCHEDULED - AMEND SIZE OF PARKING BAYS TO 8.5' x 18'

8. Vice-Mayor Price moved to schedule a public hearing relative to a proposed wording amendment to the Asheville Zoning Ordinance Section 30-3-11 (f) Off-Street Parking - Dimensional Requirements for April 1, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

PUBLIC HEARING SCHEDULED - PERMIT TAILOR AND SEAMSTRESS SHOPS IN THE R-4 RESIDENTIAL DISTRICT

9. Councilwoman Frank moved to schedule a public hearing relative to permitting tailor and seamstress shops in the R-4 Residential District for April 1, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

Thursday, March 18, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Marv Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers, Joe Pless, and H. C. Wilkes; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 11, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the March 11, 1982 meeting were approved as submitted.

PRESENTATIONS - W. R. BUCKNER AND R. R. ROBINSON - ASHEVILLE POLICE DEPARTMENT - PARTICIPATION IN THE SEARCH OF AN ABANDONED MINE SHAFT IN ASHE COUNTY

2. The City Manager read letters of appreciation to W. R. Buckner and R. R. Robinson for their participation in the search of an abandoned mine shaft in Ashe County, North Carolina, on January 25, 1982.

Mayor Trantham presented Officers Buckner and Robinson with the letters of appreciation.

RESOLUTION NO. 82-41 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH BLUE RIDGE STRUCTURE COMPANY FOR THE PROJECT KNOWN AS REPLACEMENT OF FAIRVIEW ROAD BRIDGE

3. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Blue Ridge Structure Company for the project known as replacement of Fairview Road Bridge.

The City Manager read the resolution stating that nine bids were received. Blue Ridge Structure Company is the apparent low bidder in the amount of \$72,040.18. The City Engineering Coordinator has reviewed the bids and recommends that the award be made to Blue Ridge Structure Company in the amount of \$72,040.18.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-41 was unanimously adopted.

Complete text of Resolution No. 82-41 will be found in Resolution Book No. 13 at page 171.

RESOLUTION NO. 82-42 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APAC-CAROLINA, INC. FOR THE PROJECT KNOWN AS PACK SQUARE PROJECT

4. Consideration of a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with APAC - Carolina, Inc. for the project known as Pack Square Project.

it's intent to accept by 10:00 a.m. on March 12. He said that 3 proposals were received. He said that we estimate a potential savings to the City of \$3,030 for lease/purchase of 12 police cruisers for 24 months and an additional savings of \$1,380 for the lease/purchase of 7 other general purpose vehicles for 36 months over the cash purchase of these vehicles.

Mr. Larry Fisher, Director of Finance, said that this technique is being used with increasing frequency by local governments, including such cities as Greensboro, Winston-Salem, Charlotte and Buncombe and Orange Counties.

Upon inquiry of Councilman Myers relative to what rates the banks have offered on this lease/purchase arrangement, Mr. Fisher said that the lowest rate received was 11.92, the others being 12.40 and 18.02.

Councilman Myers said that he was glad that the City was exploring other methods of financing and felt that this was a good program.

Mrs. Price moved that Council approve the lease/purchase concept of financing with periodic progress reports made on the transactions taken. This motion was seconded by Councilwoman Frank and carried unanimously.

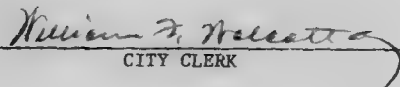
RALPH BISHOP

Mr. Ralph Bishop spoke to Council relative to the ways the Council could increase its revenue.

ADJOURNMENT

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, the meeting adjourned at 5:15 p.m.


MAYOR


CITY CLERK

RESOLUTION NO. 82-44 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A LEASE AGREEMENT FOR THE CITY FOR USE OF THE ASHEVILLE CATHOLIC COMMUNITY SCHOOL ATHLETIC FIELD AND PLAYGROUND

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a lease agreement for the City for use of the Asheville Catholic Community School Athletic Field and Playground.

The City Manager read the resolution stating that the City of Asheville Parks and Recreation Department has for several years used the Asheville Catholic Community School athletic field during evening hours throughout the spring and summer in order to conduct a Little League program in the North Asheville area. The City of Asheville desires to continue to lease the Asheville Catholic Community School athletic field and playground for the period of April 1, 1982, through August 15, 1982, at a rent of One (\$1.00) Dollar. This resolution will authorize the execution of said lease.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-44 was unanimously adopted.

Complete text of Resolution No. 82-44 will be found in Resolution Book No. 13 at page 174.

RESOLUTION REQUESTING SENATE APPROVAL AND RATIFICATION OF HOUSE BILL NUMBER 839

8. Consideration was given to a resolution requesting Senate approval and ratification of House Bill Number 839.

The City Manager read the resolution stating that the Asheville City Council and the Buncombe County Board of Commissioners at their March, 1982, joint meeting acknowledged that each of the two municipalities are presently in need of additional funds or revenues with which to continue funding of necessary services and programs. House Bill Number 839 would authorize the respective counties within the State to submit to the voters of each county a referendum on whether or not to levy an additional one cent sales tax. This resolution will request Senate approval and ratification of said House Bill.

Several Councilmembers, including Councilman Wilkes, Councilman McDevitt and Councilman Myers expressed concern about the wording of the resolution referring to the House and Senate enacting special legislation to authorize Buncombe County Board of Commissioners to levy an additional one cent sales tax for Buncombe County without a referendum.

Councilman Wilkes moved to table action on the resolution. This motion was seconded by Councilman Myers and carried unanimously.

CLAIMS - SUSAN MOSELEY - JACK WILSON - J. D. JACKSON ASSOCIATES - C. M. CAMERON - ANGELA DAVIS - SHANNON SHYTLE

The City Manager presented claims received from Susan Moseley, Jack Wilson, J. D. Jackson Associates, C. M. Cameron, Angela Davis, and Shannon Shytle.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

The City Manager read the resolution stating that four bids were received. APAC-Carolina, Inc., is the low bidder in the amount of \$70,115. The City Engineering Coordinator has reviewed the bids and recommends that the award be made to APAC-Carolina, Inc., in the amount of \$70,115.

Tom Tarrant, Civil Engineer for the City of Asheville, explained the scope of the project.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-42 was unanimously adopted.

Complete text of Resolution No. 82-42 will be found in Resolution Book No. 13 at page 172.

RESOLUTION NO. 82-43 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH WESTERN CAROLINA EMERGENCY MEDICINE, P. A. TO PROVIDE ATTENDING PHYSICIAN SERVICES TO THE CITY INFIRMARY

5. Consideration was given to a resolution authorizing the City Manager of the City of Asheville to enter into a contractual agreement with Western Carolina Emergency Medicine, P. A. to provide attending physician services to the City Infirmary.

The City Manager read the resolution stating that this agreement provides for attending physician services in connection with the City of Asheville Employee Services Infirmary. He said the Fringe Benefits Committee has reviewed the agreement and recommends approval.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-43 was unanimously adopted.

Complete text of Resolution No. 82-43 will be found in Resolution Book No. 13 at page 173.

BUDGET AMENDMENT - CITY OF ASHEVILLE OPERATING BUDGET - ALLOCATE FUNDS FOR PERFORMANCE PAY INCREASES

6. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

Various Departments - To allocate funds for performance pay increases granted through December 31, 1981, from the appropriations for the Fiscal 1981/82 Pay Package to each operating budget.

The City Manager presented the budget amendment stating that these funds were already allocated in the Fiscal 1981-82 Budget and this amendment would allocate the funds to the various departments. He said the amendment did not include any new allocation of funds.

Vice-Mayor Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

Thursday - March 25, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 18, 1982, meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the March 18, 1982, meeting were unanimously approved as submitted.

ORDINANCE NO. 1267 - ORDINANCE AMENDING SECTION 28-81.3 AND SECTION 28-81.6 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

2. Consideration was given to an ordinance amending Section 28-81.3 and Section 28-81.6 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance stating that the North Carolina Department of Transportation has requested that the City of Asheville enact concurring ordinances regarding school speed zones in the City of Asheville. In the past, concurring ordinances were not required to effect such speed zones, however that policy is no longer in effect and for those zones now posted and presently in place documentation must be made. Therefore, this action is not one of enactment of a zone but merely one of legalizing what is now in being.

Councilman Wilkes moved for the adoption of Ordinance No. 1267. This motion was seconded by Councilman Myers.

On a roll call vote of 6-0, Ordinance No. 1267 passed on first reading.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1267. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1267 passed on second reading.

HEARING - APPEAL OF WALTER D. GILCHRIST OF THE ASHEVILLE POLICE DEPARTMENT - DECISION OF THE ASHEVILLE BOARD OF EXAMINERS OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

137

PROCLAMATION - YOUTH-IN-GOVERNMENT DAY - MARCH 24, 1982

Mayor Trantham proclaimed March 24, 1982 as Youth-in-Government Day.

CATHERINE HILZ - AMENDMENT TO NOISE ORDINANCE - DISCUSSION

Catherine Hilz, a resident of the City of Asheville, appeared before Council requesting that Ordinance No. 688, an ordinance to control noise in the City, be amended. She said the ordinance, as written, permits the operation of a chain saw at any time including Sundays and holidays. She said the Police Department told her nothing could be done about the chain saw operation until the ordinance was amended. She said one Captain at the Police Department told her the City did not have a noise ordinance. She quoted sections of a recent article whereby Bloomington, Minn. established an effective noise program using a decible machine.

After discussion, Councilwoman Frank requested that the City Manager obtain a copy of the Bloomington, Minn. noise ordinance as well as the cost of noise program in Bloomington, Minn.

Vice-Mayor Price also requested that the City Manager respond to the present enforcement of the existing noise ordinance and determine how decibels are presently measured.

Mayor Trantham advised Mrs. Hilz that Council would review the noise ordinance and respond to her request.

RALPH BISHOP - COMMENTS RELATIVE TO PACK MEMORIAL LIBRARY BUILDING

Ralph Bishop made several comments relative to the resale of the old Pack Memorial Library Building.

ADJOURNMENT

Upon motion and second, the meeting adjourned at 4:50 p. m.


MAYOR


CITY CLERK

**BUDGET AMENDMENT - CITY OF ASHEVILLE OPERATING BUDGET - A-B
REVITALIZATION FUND - GENERAL CAPITAL PROJECT FUND**

4. Consideration was given to a motion approving a budget amendment amending the City of Asheville Operating Budget as follows:

- A. A-B Revitalization Fund - This budget amendment in the amount of \$33,721 is to adjust balance of Akzona Project and Budget and transfer balance remaining to Downtown Paving Project.
- B. General Capital Project Fund - This budget amendment in the amount of \$204,122 is to increase the Downtown Street Paving Project to cover total estimated cost of \$362,905.

The City Manager presented the budget amendments.

Councilman Wilkes moved to approve the budget amendment relative to the Asheville-Buncombe Revitalization Fund. This motion was seconded by Councilwoman Frank and carried unanimously.

Vice-Mayor Price moved to approve the budget amendment for the General Capital Project Fund to increase the Downtown Street Paving Project. This motion was seconded by Councilman Pless and carried unanimously.

**RESOLUTION NO. 82-45 - RESOLUTION AUTHORIZING THE CITY MANAGER
TO SIGN A CONTRACT FOR CLAIMS ADMINISTRATION SERVICE TO THE
WORKER'S COMPENSATION PROGRAM OF THE CITY OF ASHEVILLE**

5. Consideration was given to a resolution authorizing the City Manager to sign a contract for claims administration service to the Worker's Compensation Program of the City of Asheville.

The City Manager read the resolution stating that on March 27, 1981, the City of Asheville entered into an agreement with Gallagher/Bassett Insurance Service of Greenville, South Carolina for the purpose of providing professional safety and management consultation to the City in administering its self-insured Worker's Compensation Program. This resolution will authorize the City Manager to enter into an agreement with Gallagher/Bassett Insurance Service for continuation of this service beginning March 27, 1982, for a period of one year.

The City Manager said the Fringe Benefits Committee reviewed the agreement and recommended its approval.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-45 was unanimously adopted.

Complete text of Resolution No. 82-45 will be found in Resolution Book No. 13 at page 175.

REPORT - CIVIC CENTER COMMISSION - EASTER SUNRISE SERVICE

The City Manager said on February 4, 1982, a motion was adopted by Council to ask the Civic Center Commission to review the Easter Sunrise

3. A hearing was held relative to the appeal of Walter D. Gilchrist of the Asheville Police Department, appealing a decision of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund.

Mr. T. E. L. Lipsey, III, attorney representing Mr. Walter D. Gilchrist, said his client is appealing the decision of the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund in denying service connected disability retirement. He said the Board did grant non-line-of-duty disability retirement. He said Mr. Gilchrist applied for in-line-of-duty disability retirement after discovering in February, 1979, that he had diabetes.

He said the Board of Examiners on August 20, 1979, considered the request of Mr. Gilchrist for in-line-of-duty disability retirement due to a diabetes problem. He said at the same time the Board considered requests for in-line-of-duty disability retirement for Mr. Jack W. Higgins and Harold E. Newsome. He said the Board had some question as to whether the requests should be considered under the "old law" (Chapter 188 of 1977 Session Laws of North Carolina General Assembly, or the "new law" (Chapter 429 of 1979 Session Laws of North Carolina General Assembly). He said an opinion was received from the Attorney General's Office which stated that applications for disability retirement based on alleged disabilities occurring before April 20, 1979, should be considered under the statutory provisions of the "old law." He said in his opinion the "old law" provided that it would not be necessary for the injury or sickness to be in-line-of-duty for disability retirement. He said being that Mr. Gilchrist diabetes problem arose in February, 1979, his application for disability retirement should be considered under the "old law." He said the Board of Examiners and Board of Trustees approved in-line-of-duty disability retirement benefits for Harold E. Newsome, under the old law, for a heart condition and also approved in-line-of-duty disability retirement benefits, under the old law, for Jack W. Higgins for a diabetes problem. However, Mr. Gilchrist's request was not considered under the old law.

Mr. Gilchrist appeared before Council outlining the events leading up to his appeal of the decision of the Board of Examiners and Board of Trustees.

Attorney Robert J. Robinson, acting on behalf of the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund said that it was the Board's decision that an individual would not be disabled to work with diabetes. Further that diabetes is not related to in-line-of-duty retirement benefits. He said in his opinion an individual has to be disabled with a job-related injury or sickness to receive in-line-of-duty retirement benefits. He said it was his opinion references to other cases should not be brought before the City Council.

A discussion was held between Council members as to whether or not a precedent was set when in-line-of-duty benefits were granted to Officers Higgins and Newsome and whether Mr. Gilchrist was treated fairly by the Board of Trustees and Board of Examiners.

After further discussion and upon recommendation of Attorney Robert J. Robinson, Councilman Myers moved that Council retain jurisdiction of the Gilchrist appeal and receive additional information from the Secretary of the Board of Examiners relevant to the issues brought before Council. This motion was seconded by Councilman Pless and carried unanimously.

The City Manager said it was his understanding that the only church sponsoring the Easter Sunrise event is the Merrimon Avenue Baptist Church. He said Council should decide what rate should be charged to the Merrimon Avenue Baptist Church. He said the church paid the Civic Center the base rate of \$600 for the auditorium space in 1981 plus other related cost.

Councilman Wilkes said he would consider reducing the rate if it was an interfaith or inter-denominational service with many churches involved, but he would not be in favor of reducing the rate for a single church.

After discussion, Councilman Wilkes moved that the Civic Center Manager charge the present rate for the Easter Sunrise Service event. This motion was seconded by Vice-Mayor Price and carried on a voice vote of 6-1 with Councilman Pless voting "no."

REQUEST FOR SIGN PERMIT - 29 MONTFORD AVENUE - ART

The City Manager said a request had been received from the Community Arts Council for the approval of a sign permit for a mural painting on the Country Estates Building facing I-240 at 29 Montford Avenue. He said this was in conjunction with the Community Arts activities to take place during April. He said it was difficult for the staff to interpret the wording of the Zoning Ordinance as to whether this would be considered an advertising sign. He said the sign is to be situated closer than 600 feet from a limited access highway requiring the approval of Council.

Ann Dunn, of the Board of Directors of the Arts Council spoke in support of the sign permit. She said Mr. David West, owner of the building agreed to permit the Arts Council use his building and Danny Fisher an artist has agreed to paint the mural.

She said she felt the building would be prettier with the mural than it is now. She said the mural would be a country landscape scene. The Country Estate Realty is already advertised on that side of the building.

Councilman Pless said that he had no problems approving a mural for the building but did have problems if it was considered an advertising sign.

Vice-Mayor Price noted that this building is in the Montford Historic District and the sign permit would require approval of the Historic Resources Commission.

After discussion, Mr. Emrick, Director of Planning, suggested that Council approve the sign permit for the mural if it would be separated from the present advertising sign on the building and pending a Certificate of Appropriateness from the Historic Resources Commission.

Vice-Mayor Price moved to approve the mural painting for the Country Estates building at 29 Montford Avenue contingent upon approval by the Historic Resources Commission with the issuance of a Certificate of Appropriateness and that the mural in no way encompass the present advertising sign. This motion was seconded by Councilman Pless and carried unanimously.

Services and to give the churches in the community every consideration with respect to rental rates noting that the Easter Sunrise Service is held at 5:30 A.M. He said a letter was forwarded to the Civic Center Commission outlining Council's motion. The City Manager read the following letter from Richard D. Trammell, Chairman of the Civic Center Commission relative to that motion.

March 8, 1982

Mr. William F. Wolcott, Jr.
Associate City Manager/City Clerk
City of Asheville
Asheville, NC 28807

Dear Billy:

Thank you for your letter regarding City Council's motion concerning the rental rate for churches using the Civic Center for Easter Sunrise Service. Though the commission does not meet again until March 16, I have reviewed the request with Bill Murphy.

The Civic Center Manager has rate negotiation authority. However, this is a special request by Council, and I have asked Bill to negotiate whatever rate is agreeable with you and the city manager. I think there are a couple of things you should be aware of though. I do suggest you keep some of our past experiences in mind.

Last year, the auditorium was reserved by Mike Smith, Merrimon Avenue Baptist Church. Mr. Smith was charged the base rent of \$600 for the auditorium, \$113.85 for union labor required during the event and \$194.68 for advertising placed through the Civic Center. The event was attended by approximately 600-800 people. As you can see, the only negotiable charge would be in the actual base rental of the facility.

It has been the policy of the commission to establish rates at a level to cover actual operation expenses, i.e., utilities, clean-up, and labor cost over and above that actually required by the union of events. Our intent has been to keep Asheville tax payers from having to underwrite civic center deficits any more than absolutely necessary.

Our policy has been to limit "free" use of the building to City of Asheville functions only, i.e., Civil Service testing, city auction, etc. Considering the critical review of previous Civic Center budgets by the Council, we felt our rental policy was in keeping with Council's wishes.

We look forward to working with Council on this request.

Best personal regards,

Richard D. Trammell
Chairman
Civic Center Commission

cc: Ken Michalove

Other damage noted was to street name markers, traffic control signs, street lights and blockage of drainage ditches serving the area.

These alone were not enough to warrant closing the road. However, as we visited further down on Caledonia Road nearer N.C. 81 at the large drainage culvert under Caledonia Road, we noted, while standing on the culvert, considerable movement in the structure as a city owned pickup crossed it. Further investigation revealed that somewhat attempts had been made to shore the structure (as indicated in photo). This, along with apparent damage to the structure at street level caused me to make the decision to close the portion of Caledonia Road crossing the structure for the safety of those using this street.

Mr. Dutcher contacted Mr. Tarrants, of Appalachian Hall, regarding our concerns. I followed with a certified letter to Mr. Tarrants. Our concerns and Mr. Tarrants' responses are contained in the file.

Although neither the street or the culvert were in the best of condition, the damage from the timber harvesting operation have, in my opinion, accelerated their deterioration.

Because I feel the city should not be totally saddled with the cost of correcting this situation, I have requested an opinion from the City Attorney as to our recourse before we unilaterally undertake corrections without assurance of at least partial reimbursement.

cc: Ken Michalove
City Manager

William C. Moore
Corporate Counsel

The City Manager said it had been estimated that the road repairs would cost about \$4,000 to \$5,000 thousand dollars.

Corporation Counsel Moore said if damage was done to City property, the City could take anyone liable for the damage to court for damages.

Upon inquiry of the City Manager, the Corporation Counsel said the City could make repairs and open the road for traffic and then take anyone liable for the damages to court. He said full documentation of the existing conditions will leave open the City's legal option in case the issue was not resolved to the City's satisfaction.

After discussion Vice-Mayor Price moved to authorize the City Manager to make the necessary road repairs to open Caledonia Road and to keep records of existing conditions for consideration of further legal action. This motion was seconded by Councilwoman Frank and carried unanimously.

102

REQUEST OF MARTIN L. NESBITT - RESIDENTIAL MOBILE HOME IN COMMERCIAL SERVICE DISTRICT

The City Manager said the Mayor had received a letter from Martin L. Nesbitt requesting a review be taken to determine if it is feasible to allow a residential mobile home as a permanent residence in a commercial service district. He said Mr. Nesbitt was referring to a lot on Old County Home Road, known as Ward 12, Sheet 13, Lot 42. He said it was Mr. Emrick's recommendation for City Council to refer the request to the Asheville Planning and Zoning Commission for action and recommendation.

Councilman Myers moved that Mr. Nesbitt's request be referred to the Asheville Planning and Zoning Commission for action and recommendation. This motion was seconded by Councilman Wilkes and carried unanimously.

CLAIMS - TINA CLARK - DAN HENSLEY - RICHARD KNAPP - WILLIAM HARRIS

The City Manager presented claims received from Tina Clark, Dan Hensley, Richard Knapp, and William Harris.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

REPORT RELATIVE TO CALEDONIA ROAD CLOSING

The City Manager read the following memorandum relative to the Caledonia Road closing:

MEMORANDUM TO: Ken Michalove
City Manager

FROM: T. Clark Brown
Director of Public Works

DATE: March 25, 1982

SUBJECT: Draft Report - Caledonia Road Closing

Ken, on February 25, 1982, in response to a call from Parks and Recreation Department personnel, I sent Paul Dutcher to investigate damage to streets in the area of Appalachian Hall, in the Kenilworth area.

Mr. Dutcher investigated, and on his return to the office, suggested that I also visit the location. Mr. Dutcher, Mike Evans, Street Superintendent, and I then visited the area.

On my visit it was apparent that Caledonia Road had been damaged by the timber harvesting operation on Appalachian Hall property. Apparent damage at this time appeared to be where large trees had been fallen onto the street, striking the street surface with such force as to damage it, logs skidded or dragged over the street surface for long distances and logs skidded or dragged up the roadway slope across the shoulders and onto the street surface.

406
Thursday - April 1, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 25, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the March 25, 1982, meeting were unanimously approved as submitted.

RESOLUTION NO 82-46 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS FROM JAPAN, AUSTRIA, SOUTH AFRICA, COLUMBIA, AND JORDAN THAT ARE PARTICIPATING IN THIS PROGRAM

2. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the Foreign Exchange Students from Japan, Austria, South Africa, Columbia, and Jordan that are participating in the program.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-46 was unanimously adopted.

Complete text of Resolution No. 82-46 will be found in Resolution Book No. 13 at page 176.

PUBLIC HEARING - WORDING AMENDMENT TO THE ZONING ORDINANCE -OFF-STREET PARKING - DIMENSIONAL REQUIREMENTS (AMEND SIZE OF PARKING BAYS TO 8.5' x 18')

ORDINANCE NO. 1268 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

3. A public hearing was held relative to a proposed wording amendment to the Asheville Zoning Ordinance Section 30-3-11 (F) Off-Street Parking - Dimensional Requirements (amend size of parking bays to 8.5' x 18').

195

Councilwoman Frank said the documentation should involve a series of photographs of street damages, and damages which the City feels is not their responsibility.

Vice-Mayor Price suggested that a research be done to determine the feasibility of an ordinance being drawn or a permit being required for tree harvesting on City streets and over culverts.

COUNCILMAN WILKES - REQUEST FOR EXECUTIVE SESSION - UNRESOLVED PERSONNEL MATTER

Councilman Wilkes requested that after the Council meeting, Council meet in executive session relative to an unresolved personnel matter.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop again spoke to Council relative to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion Mayor Trantham adjourned the meeting at 6:00 P.M.


MAYOR


CITY CLERK

Mayor Trantham closed the public hearing at 4:43 P.M.

Verl Emrick read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1269. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1269 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1269. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1269 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1269. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1269 passed on third and final reading.

Complete text of Ordinance No. 1269 will be found in Ordinance Book No. 9 at 326.

**CONTINUATION OF PUBLIC HEARING - APPEAL OF WALTER D GILCHRIST
-DECISION OF THE BOARD OF EXAMINERS OF THE ASHEVILLE POLICEMEN'S
PENSION AND DISABILITY FUND**

5. Continuation of a hearing relative to the appeal of Walter D. Gilchrist of the Asheville Police Department, appealing a decision of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund.

Councilman Myers made the following motion:

**"MOTION TO REMAND WALTER D. GILCHRIST APPEAL TO THE BOARD OF
EXAMINERS OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY
FUND**

The Asheville City Council at its March 25, 1982, regular Council meeting and subsequent meeting of March 30, 1982, discussed and reviewed the appeal of Walter D. Gilchrist for a change in retirement status from not in the line of duty disability to in the line of duty disability. In order for the Council to make a decision on the appeal, it will be necessary to remand the matter to the Board of Examiners for the following reasons and/or information:

1. The names of individuals the Board of Examiners approved for in-line of duty disability retirement due to diabetes.
2. The names of individuals the Board of Examiners approved for in-line of duty disability retirement who became disabled for non-service connected reasons.

Mayor Trantham opened the public hearing at 4:28 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and affidavit of publication.

Verl Emrick, Director of Planning, said Memorial Mission Hospital has requested that the Asheville Zoning Ordinance Section 30-3-11 (F) be amended relative to the size of parking bays. At present the dimensional requirements for off-street parking spaces are 9' x 20'. The Planning and Zoning Commission recommends to City Council to amend Section 30-3-11 (F) by amending the size of the parking bay to 8.5' x 18' which can provide a break on development cost as well as allowing more bays in the same space.

Mr. Emrick said this amendment would still accommodate large and small cars and provide an opportunity for more cars to be parked in smaller spaces allowing for more green areas. He said it would also help to control ingress and egress.

Upon inquiry of Council, Mr. Emrick said Council would still have authority under the group development section of the Zoning Ordinance to make changes in parking requirements. He said double stripes could be required in parking garages to eliminate cars parking too closely.

Mayor Trantham closed the public hearing at 4:33 P.M.

Mr. Emrick read the ordinance.

Councilman McDevitt moved for the adoption of Ordinance No. 1268. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1268 passed on first reading.

PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE - R-4
RESIDENTIAL - TO PERMIT TAILOR SEAMSTRESS SHOPS

ORDINANCE NO. 1269 - AN ORDINANCE AMENDING ORDINANCE NO. 322,
KNOWN "AN ORDINANCE PROVIDING FOR THE CITY OF ASHEVILLE" AS
AMENDED

4. A public hearing was held relative to a proposed wording amendment to the Asheville Zoning Ordinance Section 30-5-5. R-4 Residential District - Uses Permitted (to permit tailor and seamstress shops).

Mayor Trantham opened the public hearing at 4:40 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said on February 11, 1982, the City Council discussed the petition of Mr. Kostas Rantzios to rezone his lot on Chestnut Street in order to allow him to move his tailor shop. It was the consensus of the Council to remand the request to the Planning and Zoning Commission to consider allowing tailor and seamstress shops in the R-4 Residential District. The Planning and Zoning Commission recommends to City Council to amend the verbage of the ordinance to accommodate the uses.

Complete text of Resolution No. 82-47 will be found in Resolution Book No. 13 at page 177.

RESOLUTION NO. 82-48 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT-OF-WAY DOCUMENTS NECESSARY FOR CONSTRUCTION OF TWO BOX CULVERTS ON NORTH BEAR CREEK ROAD

8. Consideration was given to a resolution authorizing the Mayor to execute right-of-way documents necessary for construction of two box culverts on North Bear Creek Road.

The City Manager read the resolution stating that the North Bear Creek Road bridges have deteriorated to the point that repairs are no longer feasible. The North Bear Creek Road bridges are of major importance to the flow of traffic to heavy developed and established areas of the City. It is the desire of the City to maintain safe and efficient flow of traffic along North Bear Creek Road by replacing the deteriorated bridges with concrete box culverts. This resolution will authorize the Mayor to execute and record on behalf of the City the necessary documents required to secure temporary construction easements and perpetual right-of-way easement across private property for the purpose of removing the deteriorated bridges and constructing new concrete box culverts.

Upon inquiry of Council, Larry Ward of the Department of Public Works said funds had been budgeted for this project under the Bridge Replacement Program.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-48 was unanimously adopted.

Complete text of Resolution No. 82-48 will be found in Resolution Book No. 13 at page 178.

RESOLUTION NO. 82-49 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EXTENSION OF THE CONTRACT WITH THE JOINT VENTURE OF BILL ASHE AND MIKE COX, AIA, TO PROVIDE ARCHITECTURAL SERVICES FOR THE RESTORATION OF THE YMI BUILDING

9. Consideration was given to a resolution authorizing the Mayor to execute an extension of the contract with the joint venture of Bill Ashe and Mike Cox, AIA, to provide architectural services for the restoration of the YMI Building.

The City Manager read the resolution stating that the City of Asheville has been awarded a grant from the North Carolina Division of Archives and History to provide professional design services for the restoration of the YMI Building. The City of Asheville did on September 4, 1980, enter into a joint venture contract with Bill Ashe and Mike Cox, AIA, to perform professional services for the sum of \$2,500. It is desirable and necessary that additional architectural services be performed to insure the restoration of the YMI Building. Funds for said services are available and budgeted. This resolution will authorize the Mayor to execute an extension of the contract to perform the services for a fee not to exceed \$2,500.

Verl Emrick, Director of Planning, outlined the contents of the contract with Bill Ashe and Mike Cox.

3. Reasons and/or explanation for the Board of Examiners approving non-line of duty disability retirement rather than in-line of duty disability retirement for Walter D. Gilchrist.
4. That the information requested be furnished to Council by May 1, 1982."

This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE NO. 1267 - ORDINANCE AMENDING SECTION 28.81.3 AND SECTION 28.81.6 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to the third reading of Ordinance No. 1267, ordinance amending Section 28-81.3 and Section 28-81.6 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1267 passed on third and final reading.

Complete text of Ordinance No. 1267 will be found in Ordinance Book No. 9 at page 323-324.

RESOLUTION NO. 82-47 - RESOLUTION AUTHORIZING THE PURCHASE OF MASS TRANSIT VEHICLES FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION

7. Consideration was given to a resolution authorizing the purchase of mass transit vehicles from the United States Department of Transportation.

The City Manager read the resolution stating that the Asheville Transit Authority has, since 1968, provided certain transportation services for school students within the City of Asheville. A solution to Asheville's compliance with current Federal Requirements for school bus services is the purchase by the City of Asheville of the Federal Government's interest in the fifteen (15) buses to be used exclusively for school bus service. The total cost to the City of Asheville for said purchase is approximately \$61,644 based upon an independent appraisal of existing buses and consultation with the Urban Mass Transportation Administration Regional Staff. In order to continue the current level of transportation services, the City School Board Administrative Staff is in agreement with an increase of 10¢ per student ticket (each way) to be used to amortize said transit vehicle purchase over an approximate three year period. This resolution will authorize the Mayor to enter into an agreement with the United States Department of Transportation for the purchase of said buses.

Upon motion of Councilman Pless, seconded by Councilman Wilkes, Resolution No. 82-47 was unanimously adopted.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-51 was unanimously adopted.

Complete text of Resolution No. 82-51 will be found in Resolution Book No. 13 at page 182-183.

BUDGET AMENDMENT - GENERAL REVENUE SHARING - ASHEVILLE TRANSIT AUTHORITY - PURCHASE OF SCHOOL BUSES

Bob Wurst, Budget Director, presented a budget amendment in the amount of \$61,644 to provide funding for school bus acquisition, balance to be refunded over three year period.

Vice-Mayor Price moved to approve the budget amendment as presented by Mr. Wurst relative to the funding for school bus acquisition. This motion was seconded by Councilwoman Frank and carried unanimously.

BUDGET APPROPRIATION - 503 COMMITTEE - PROGRAM OF THE ASHEVILLE-BUNCOMBE DEVELOPMENT CORPORATION

Councilman Wilkes, being a member of the 503 Committee, a program of the Asheville-Buncombe Development Corporation, said the Committee had requested that the City and County appropriate \$5,000 each for the 503 Committee for the operation and overhead expenses. He said it was felt that these funds would be recuperated in an amount more than \$5,000. He said this Committee would make small loans for small business. He said the County had appropriated their \$5,000 and he was requesting and encouraging Council to appropriate \$5,000 for this Committee.

Councilman Wilkes moved to appropriate \$5,000 from the Downtown Revitalization Fund for the continuation and operation of the 503 Committee, a program of the Asheville-Buncombe Development Corporation. This motion was seconded by Councilwoman Frank and carried unanimously.

DISCUSSION/ACTION RELATIVE TO THE EASTER SUNRISE SERVICE - ASHEVILLE CIVIC CENTER - APRIL 11, 1982

Councilman Myers said he had received additional information relative to the issue of the Easter Sunrise Service at the Asheville Civic Center. He said he had received information, during the past week stating that the service is not solely sponsored by the Merrimon Avenue Baptist Church but sponsored by the Asheville Easter Sunrise Service. He said due to the new facts that had been presented the service is inter-denominational and he would be in favor of waiving the base rent for this event.

After discussion, Councilman Myers moved to ask the Asheville Civic Center Commission to waive the \$600 base rent for the Easter Sunrise Service to be held at the Asheville Civic Center on April 11, 1982. This motion was seconded by Councilman Pless and carried on a voice vote of 5-2 with Vice-Mayor Price and Councilman McDevitt voting "no."

RESOLUTION NO. 82-52 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD (MS. DIANE McDONALD SCIARA))

Consideration was given to a resolution appointing Ms Diane McDonald Sciara to the Metropolitan Sewerage District Board.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-49 was unanimously adopted.

Complete text of Resolution No. 82-49 will be found in Resolution Book No. 13 at page 179.

RESOLUTION NO. 82-50 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS OF THE INTERSECTION OF BILTMORE AVENUE AND CALEDONIA ROAD

10. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement between the City of Asheville and the North Carolina Department of Transportation for improvements of the intersection of Biltmore Avenue and Caledonia Road.

The City Manager read the resolution stating that the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements under Project 8.7384016 consisting of the construction and improvement of the intersection of Biltmore Avenue and Caledonia Road. The Department of Transportation and the City of Asheville propose to enter into an agreement for the project whereby the City of Asheville agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally owned utilities without cost to the Department of Transportation except that said department will reimburse the City of Asheville in accordance with said departments municipally owned utility policy. The Department of Transportation agrees to acquire the right-of-way and construct the project in accordance with the approved project plans and the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion. This resolution will authorize the Mayor to execute said municipal agreement.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-50 was unanimously adopted.

Complete text of Resolution No. 82-50 will be found in Resolution Book No. 13 at page 180-181.

RESOLUTION NO. 82-51 - RESOLUTION AUTHORIZING JARED'S, INC., TO ENCROACH UPON THE SIDEWALK IN FRONT OF 60 HAYWOOD STREET

11. Consideration was given to a resolution authorizing Jared's, Inc., to encroach upon the sidewalk in front of 60 Haywood Street.

The City Manager read the resolution stating that Jared Sutz of Jared's, Inc., has requested permission to encroach upon the sidewalk in front of 60 Haywood Street for the purpose of placing planters. The request for encroachment has been investigated by the Department of Public Works and, in its opinion would not hinder the safe flow of pedestrian movement along the above mentioned sidewalk.

Upon inquiry of Councilman Pless, the Corporation Counsel said Jared's, Inc., will be responsible for any claims, injuries or accidents or other occurrences which may be occasioned by the planters.

- A. To study and evaluate the existing policies, practices, and procedures of the City regarding City personnel, including, but not limited to Civil Service, grievance procedures, and working conditions;
 - B. To make recommendations to the Council regarding said study and evaluation;
 - C. To submit formal or informal reports at least quarterly to the Council regarding Commission activities and plans.
4. That said study shall be coordinated through the City Manager or his designees; and,
5. That the activities of said Commission shall be subject to direction from the Council."

Upon motion of Councilman Myers, seconded by Councilman Wilkes, Resolution No. 82-54 was unanimously adopted.

Complete text of Resolution No. 82-54 will be found in Resolution Book No. 13 at page 186.

Mayor Trantham, commenting on Resolution No. 82-54, said the Committee should interview employees to receive their input and recommendations.

It was the consensus that all members of Council would submit names for recommendation on the City Personnel Advisory Commission on Thursday, April 8, 1982.

DISCUSSION - RESOLUTION REQUESTING SENATE APPROVAL AND RATIFICATION OF HOUSE BILL NO. 839 - ADDITIONAL ONE-CENT SALES TAX

Vice-Mayor Price moved that Mayor Trantham send a letter to the legislators stating that a majority of the Council members supports the resolution relative to House Bill No. 839, authorizing a referendum on whether or not to levy an additional one-cent sales tax, forwarded to the legislators by the Buncombe County Board of Commissioners. This motion was seconded by Councilwoman Frank, and carried on voice vote of 6-1 with Councilman Wilkes voting "no."

PROCLAMATION - "CART WEEK" - APRIL 1-6, 1982

Mayor Trantham the week of April 1-6, 1982, as "Cart Week" - Community Artist Residency Training.

CLAIMS - BUNCOMBE COUNTY AND FIRST UNION - MAXINE McCULLOM - ERVIN MOODY

The City Manager presented claims received from Buncombe County and First Union, Maxine McCullom and Ervin Moody.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

100

Councilwoman Frank read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-52 carried on a voice vote of 6-1 with Councilman McDevitt voting "no."

Vice-Mayor Price requested that a letter of appreciation be sent to Mr. Frank Hyatt, past member of the Metropolitan Sewerage District Board for his services on the Board. She requested that the letter of appreciation explain that Council is attempting to have a turnover on boards and commissions for broader community involvement. She said it was Council's desire that a member serve no more than two full terms. She also advised Council that Mr. Hyatt is agreeable to continue to work on present projects of the Metropolitan Sewerage District Board.

Complete text of Resolution No. 82-52 will be found in Resolution Book No. 13 at page 184.

RESOLUTION NO. 82-53 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH HENDERSON COUNTY FOR PROPERTY AT THE ASHEVILLE AIRPORT FOR USE AS A LITTLE LEAGUE BASEBALL PRACTICE FIELD

Consideration was given to a resolution authorizing the Mayor to enter into a lease agreement with Henderson County for property at the Asheville Airport for use as a Little League Baseball practice field.

The City Manager read the resolution stating that Henderson County desires to lease property owned by the City of Asheville, located on Fanning Bridge Road for use as a Little League Baseball practice field. This resolution will authorize the Mayor to execute the lease agreement, leasing property on Fanning Bridge Road to Henderson County.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-53 was unanimously adopted.

Complete text of Resolution No. 82-53 will be found in Resolution Book No. 13 at page 185.

RESOLUTION NO. 82-54 - RESOLUTION ESTABLISHING THE CITY PERSONNEL ADVISORY COMMISSION

Councilman Myers read the following resolution:

- "1. That the City Council establish the City Personnel Advisory Commission;
2. That the Commission consist of five (5) members appointed by, and to serve at the pleasure of the Council, provided that all members of the Council shall be ex officio members of said Commission;
3. That the duties of said Commission shall be as follows:

Thursday - April 8, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes and Gordon Myers, Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (sick)

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 1, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the April 1, 1982 meeting were approved as submitted.

ORDINANCE NO. 1270 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1981-82

2. Consideration was given to an ordinance amending the Operating and Capital Budget for the City of Asheville for Fiscal Year 1981-82.

The City Manager read the ordinance stating that this ordinance will summarize and ratify all budget amendments adopted by Council from January 1, 1982 through March 1, 1982.

Councilman Wilkes moved for the adoption of Ordinance No. 1270. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1270 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1270. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1270 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1270. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1270 passed on third and final reading.

Complete text of Ordinance No. 1270 will be found in Ordinance Book No. 9 at page 327.

RALPH BISHOP - COMMENTS RELATIVE TO MAYOR TRANTHAM

Ralph Bishop made comments to Council criticizing Mayor Trantham.

ADJOURNMENT

Mayor Trantham adjourned the meeting at 5:35 P.M.


MAYOR


CITY CLERK

Department of Transportation shall reimburse the City of Asheville for the cost of said work in accordance with the unit price of twenty-seven dollars and fifty cents (\$27.50) per ton for approximately three hundred tons (300) of resurfacing materials, a maximum cost of \$8,250. This resolution will authorize the Mayor to execute said municipal agreement.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-55 was unanimously adopted.

Complete text of Resolution No. 82-55 will be found in Resolution Book No. 13 at page 187.

BIDS - INDUSTRIAL TYPE RUBBER-TIRED TRACTOR - SANITATION DIVISION

6. Consideration was given to bids received March 19, 1982, for Industrial Type Rubber-tired Tractor with 4 in 1 bucket to be used in Sanitation Division.

The City Manager presented the bids stating that two bids were received. Recommendation of acceptance of the low bid submitted by Arden Equipment Company in the amount of \$20,580. Sufficient funds for this purchase are budgeted in the Revenue Sharing Fund, Sanitation Division Appropriations.

Councilman McDevitt moved to award the bid for the Industrial Type Rubber-tired tractor to the low bidder, Arden Equipment Company in the amount of \$20,580. This motion was seconded by Councilman Wilkes and carried unanimously.

REQUEST FOR RATE INCREASE - THOMS BROADCASTING COMPANIES, INC. - CABLEVISION

The City Manager presented a letter from Max O. Cogburn, Sr., representing Thoms Broadcasting Companies, Inc., requesting that Council consider a rate increase for cablevision service in the City of Asheville.

After discussion, Councilman Wilkes moved to schedule a public hearing relative to the request for a rate increase for April 29, 1982. This motion was seconded by Councilman Pless.

Councilman McDevitt requested that he be excused from voting or participating in the motion due to the fact that he represents one of the principal owners of the company and he felt there would be a conflict of interest.

Councilwoman Frank moved that Councilman McDevitt be excused from voting on the motion relative to scheduling a public hearing relative to the request of Thoms Broadcasting Companies, Inc. for a rate increase. This motion was seconded by Councilman Myers and carried unanimously.

Councilman Wilkes' motion to schedule the public hearing was unanimously adopted.

PROCLAMATION - NATIONAL BOYS CLUB WEEK - APRIL 11-17, 1982

Vice-Mayor Price proclaimed the week of April 11-17, 1982 as "National Boys Club Week."

127

ORDINANCE NO. 1268 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Wording Amendment to Zoning Ordinance - amend size of parking bays to 8.5 feet by 18 feet)

3. Consideration was given to the second reading of Ordinance No. 1268, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville," as amended (amend size of parking bays to 8.5 feet by 18 feet).

Vice-Mayor Price said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1268 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1268. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1268 passed on third and final reading.

Complete text of Ordinance No. 1268 will be found in Ordinance Book No. 9 at page 325.

BUDGET AMENDMENT - REED CREEK SEWER LINE IMPROVEMENTS -

4. Consideration was given to a budget amendment amending the City of Asheville Annual Operating or Capital Projects Budget for 1981-82 as follows:

- A. This budget amendment in the amount of \$515,000 is to provide funding for Reed Creek Sewer Line Improvements. Funding includes County participation and State Water Bond Grant.

The City Manager presented the budget amendment.

Councilman McDewitt moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-55 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVING AND RESURFACING BILTMORE AVENUE

5. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement between the City of Asheville and the North Carolina Department of Transportation for improving and resurfacing Biltmore Avenue.

The City Manager read the resolution stating that the City of Asheville proposes to improve and resurface Biltmore Avenue from College Street to the Plaza Theatre under Project 7.8470208. The City of Asheville proposes to enter into an agreement with the Department of Transportation whereby the City, under a contract with a contractor employed by the City of Asheville, shall accomplish the milling and resurfacing work at several locations. Under the terms of the agreement the

RESOLUTION NO. 82-56 - RESOLUTION FOR PARTICIPATION IN THE NORTH CAROLINA HOUSING FINANCE AGENCY HOME IMPROVEMENT LOAN PROGRAM

Consideration was given to a resolution for participation in the North Carolina Housing Finance Agency Home Improvement Loan Program.

The City Manager read the resolution.

Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville said the North Carolina Housing Finance Agency Home Improvement Loan Program had been discussed and reviewed before the Housing Authority/Community Development Liaison Committee and the concept of the program was approved. He said this pilot program will enable more citizens from former Community Development Neighborhoods to rehabilitate their residences. He said financial participation by the City of Asheville will contribute to the success of the Housing Finance Agency Program and allow the City to increase its Community Development Block Grant Funds by combining or leveraging said funds with private funds borrowed at tax exempt rates by the Housing Finance Agency.

Mr. Holt explained the financing package stating that the City's financial commitment would come from the Community Development Home Improvement Loan Program.

After discussion, Councilman McDevitt moved for the adoption of Resolution No. 82-56. This motion was seconded by Councilwoman Frank and carried unanimously.

Complete text of Resolution No. 82-56 will be found in Resolution Book No. 13 at page 188.

PRESENTATION OF PROPOSAL BY ART MUSEUM - RE: RELOCATION OF ART MUSEUM

Mr. Mack Day presented the following proposal for the relocation of the Asheville Art Museum.

"We submit the following proposal as an alternative proposal for the relocation of the Asheville Art Museum:

1. That the City allocate in its 1982/83 budget an amount ranging from \$50,000 to \$60,000 to be used to buy down the interest rate on a loan to rehabilitate the Old Pack Library for use as the Art Museum. Said amount would reduce the interest rate on the loan approximately 6% for a period of 5 years;
2. That the City continue to receive the \$160,000 from the County under the Water Agreement, of which approximately \$112,500 is allocated toward the Art Museum's use of space in the Civic Center;
3. That the County continue to pay rent for the vacated Art Museum space in the Civic Center in accordance with the existing Water Agreement, but the County would have the right to sublet that space in accordance with normal commercial practice and receive all rentals therefrom;
4. That the Art Museum would then petition the County to pledge an amount for 5 years equal to the rental payments and utilities on the new building pending purchase of the same by the Art Museum within 5 years. "

109

CLAIMS - CECIL HOLT - GEORGE THUM

The City Manager presented claims received from Cecil Holt and George Thum.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

LETTER FROM ASHEVILLE CIVIC CENTER COMMISSION - RE: WRESTLING MATCHES

As a matter of reporting the City Manager presented the following letter:

March 31, 1982

Mr. Roy M. Trantham, Mayor
City of Asheville
P O Box 7148
Asheville, N. C. 28807

Dear Roy:

Several weeks ago you sent me a letter of Council's concern over violence at wrestling matches held in the Asheville Civic Center Complex. The issue had been brought to Council's attention by an Asheville citizen, Mr. Bob Brown.

Since that time, I have personally attended three wrestling matches, and the issue has been discussed at length at our Civic Center Commission meeting. After reviewing the situation and taking into account a letter written by Mr. Brown to Mr. Sandy Scott, the local promoter of wrestling, it is the feeling of the commission that no action should be taken concerning this issue.

Professional wrestling is a form of entertainment to some the same as symphonies, rock concerts, country and western shows, and Broadway plays are to others. Wrestling is a profitable event for our building. In excess of twenty wrestling matches annually contribute substantially to our rental and concession revenues.

It might be of interest that a number of wrestling fans have held permanently reserved seats for as long as wrestling has been held in Asheville. In Mr. Brown's letter to Mr. Scott, he indicates he has been a wrestling fan since the 1930's. Attendees usually range in age from infants to senior citizens.

Though many attendees get emotionally involved in the matches, acts of violence are rare. To insure control and safety, the number of security and crowd control offices are jointly established by Civic Center Management and Sergeant Miles Webb of the Asheville Police Department. With Sergeant Webb responsible for security at all Civic Center events, every precaution related to public safety is considered.

In conclusion wrestling is another form of entertainment provided to citizens of Asheville and Western North Carolina through the Asheville Civic Center Complex. Attendance proves there are many wrestling fans in our area. Until we experience other problems or an increase in the incidents of violence, I feel wrestling should be accorded the same courtesies as other Civic Center events.

Best personal regards,

Richard D. Trammel
Chairman
Civic Center Commission

440 In the particular instance of the Asheville Easter Sunrise Service scheduled for April 11th, the following facts are apparent:

MAINTENANCE

Because the Thomas Wolfe Auditorium is leased for a Saturday, April 10th function, Sunday morning use will require a clean-up of the stage, backstage, seating, and lobby areas before the 6AM Sunrise Service. The estimated 16 manhours required for the Easter morning cleaning will cost about \$195.00 in overtime and premium pay for the laborers involved. The Civic Center's Building Engineer will be required to arrive at 3AM to prepare the necessary lighting and climate control equipment but at no cost to the City. Parenthetically, he will have worked from Friday AM to Sunday AM to facilitate the needs of other rental obligations. A less extensive clean-up after the event will be required prior to the auditorium's next use on Wednesday, April 14.

SEPARATION OF CHURCH AND STATE

The Commission is concerned about a potential violation of the constitutional guarantee of separation of church and state. No one wishes to infringe upon the religious observance of anyone in the community and the Civic Center is available by lease for any denomination or inter-denominational group who wishes to use the facilities. However, in this circumstance, the taxpayers of the City of Asheville are being asked to assume the burden of all costs related to the maintenance of the Civic Center (heat, light, air, custodial duties) during a religious ceremony espoused by several denominations and attended by 600-800 individuals.

PRECEDENT

The members of the Civic Center Commission are concerned about the precedent which this establishes. Does the Council wish to waive rent for future years' Easter Sunrise services and to which collective group should the waiver be offered? Should the same terms be extended to other inter-denominational groups for other religious holidays or events?

Other event sponsors (currently paying rent) which have a claim to be candidates for waiver of rent on the basis of attendance by a community cross section of audience might include: the Asheville Jaycees' Miss Asheville Pageant, the Boy Scouts' Annual Jamboree, the Chamber of Commerce's Mountain Dance & Folk Festival, the Asheville-Buncombe County Youth Council's Annual Talent & Awards Show, the Buncombe County School's Teachers Seminars and High School graduations, the N. C. State Electrical Exams, the Jaycee's Mountain Youth Festival, the N. C. Symphony's Annual School Childrens Performances, the United Way Kick-Off Luncheon, assorted class reunions and sorority events, and the Evangelistic Crusades presented by the Reverend E. C. Cannon or Reverend Richard Roberts.

The Commission does not wish to assume a counter productive position in relation to Council's wishes. We have approved the request to waive the base rental rate for the Civic Center Auditorium on Sunday, April 11, 1982. In the future, we propose that all requests for consideration of rental rates be directed to the attention of the Commission as outlined in Ordinance 933. Issues of this kind can be best handled by the Civic Center Commission, with its detailed knowledge and historical perspective of the complexity of the Civic Center operation; thus leaving Council time for community issues of greater significance.

In light of financial trends, budgetary constraints, and ever-changing public expectations, the Civic Center Commission avows to work with City Council to approach our current and future financial status more vigorously than ever.

I thank you for your time and consideration of this matter.

Mr. Day said the proposal has not been presented to the Buncombe County Board of Commissioners, however time is of essence in reaching a decision on the relocation of the Art Museum.

After discussion, Councilman Wilkes moved to receive the proposal from the Art Museum as information and to discuss the proposal during budget work sessions giving the Art Museum a decision on the proposal as quickly as possible. This motion was seconded by Councilman McDevitt and carried unanimously.

REPORT FROM ASHEVILLE AREA CIVIC CENTER COMMISSION- RE: REQUEST TO WAIVE RENTAL RATES FOR EASTER SUNRISE SERVICE EVENT

Ms. Carolyn Thompson, Vice-Chairman of the Asheville Area Civic Center Commission read the following memorandum to members of Council:

FROM: Asheville Area Civic Center Commission
Carolyn Thompson, Vice-Chairman

TO: Asheville City Council

DATE: April 8, 1982

As Vice-Chairman of the Asheville Area Civic Center Commission, acting in lieu of absent Chairman, Dick Trammell, I feel it imperative to report to Council the unanimous opinion of the Commission.

As empowered by Ordinance 933 and as directed by Section (2), Item (a,ii) which states "the Commission shall:...Determine and fix the rates and fees to be charged in connection with the operation of the Civic Center;", the Commission has endeavored to make all of the Civic Center's users "pay their own way" based on historical costs.

The establishment of what is an equitable rental fee is very difficult to establish and lengthy considerations must be given to properly compensate the City for labor costs, janitorial supplies, administrative overhead, utilities, depreciation of equipment, and the list goes on.

In March, 1981, the Civic Center Commission met in a joint session with City Council to discuss the operating philosophy of the Civic Center, particularly with regard to rental rates and community based activity. Specifically, we asked the Council if the Civic Center should be operated with tax subsidies from the City of Asheville and low rental fees or should it be operated on a breakeven level. After a detailed discussion, the consensus of opinion was that the Commission should strive to achieve self-sufficiency in the operation of the Civic Center.

This philosophy, adopted by the Civic Center Commission was addressed in an Editorial by Mort Cohn on WLOS-TV for viewer consumption. Endorsing the position, the editorial acknowledged that although many small worthy organizations in the community may no longer be able to rent the Center, it should no longer be necessary for the broad spectrum of taxpayers to support the events of a small group of individuals.

The Commission established a rental structure for 1982 with the encouragement of Council, the acknowledgment of local media, and the knowledge of the general public.

Upon inquiry of Councilman Myers, the City Manager said the current operating deficit of the Asheville Civic Center is \$700,000 to \$800,000 per year.

Councilman Myers commented that the Easter Sunrise Service is a non-profit event and is an opportunity to promote the spiritual well being of the community. He said in view of the current deficit of the Civic Center he felt the waiving of the \$600 base rental is a small price to pay for the overall good of the community.

ADJOURNMENT

Upon motion, Vice-Mayor Price adjourned the meeting at 5:30 p. m.

Ray H. Lamm
MAYOR

William F. McLeod
CITY CLERK

PH .10V

EP1-EP1

Per. Not Cons.

Vol. 49

1982-1983

Pgs. Not Cons.

Dear Mayor Trantham and Council Members:

The Asheville Parks and Recreation Advisory Board is extremely concerned about the reports by various news media concerning proposed reductions in the Parks and Recreation Department. We understand the difficulties you face in attempting to provide needed city services in these times of spiraling inflation. However, we know that recreation is a necessity in the lives of the residents of this community and that this service must be provided. No other area of city service more personally touches the lives of our entire population, from the little leagues to our senior citizens, than does recreation.

Some of us have served on this Board for many years and have worked diligently to improve the park areas and recreation services in this community. We remember that years of negligence and inadequate funding caused such a deterioration in our park areas that it has been necessary to practically rebuild almost the entire park system. This rebuilding was done within the past ten years at a tremendous cost, financed almost entirely through federal programs.

During the past three years, we have cut the budget in Parks and Recreation in many ways, including a reduction in personnel. In the budget we submitted to the City Manager this year, realizing the budget constraints for the City, we have already recommended deleting five more full-time positions.

We have submitted what we feel is an absolute minimum budget for the continued operation of the Parks and Recreation Department. We urge you to consider the recreation needs of our citizens, which we believe are as essential as any other city services. We also urge you to continue essential funding of Parks and Recreation, not only because of the present community needs, but also to prevent deterioration of our fine park system.

Sincerely yours,

Bill Pfeiffer, Chairman
Asheville Parks and Recreation Advisory Board

Upon inquiry of Vice-Mayor Price, Mr. Pfeiffer said the Parks and Recreation Advisory Board reviewed the budget submitted by the Director of Parks and Recreation and he did not feel there was any "fat" in the budget. He also commented that the salaries in the Parks and Recreation Department are not out of line, but are based on a salary scale of all government employees. He also commended Ray Kisiah, Director of Parks and Recreation Department for his outstanding work in the Parks and Recreation Department.

Councilman Pless spoke of what he called "fat" in the budget due to the fact that he knew of a collection of unused recreation equipment ("five or six basketball goals") rusting in a pile of weeds during a recent visit to a City park site.

Nancy Cory, member of the Parks and Recreation Advisory Board

Thursday - April 15, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt
Councilman Gordon Myers

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

DISCUSSION OF PARKS AND RECREATION 1982-83 BUDGET

Mayor Trantham said it was his understanding there were a number of people in the audience concerned about the closing of Harvest House and the Senior Opportunity Center. He said members of Council, during their pre-council work session, decided not to close the Harvest House or the Senior Opportunity Center because of budget cuts recommended in the 1982-83 Parks and Recreation Budget. He said Council would be meeting with the Director of Parks and Recreation on Tuesday, April 20, 1982, to review the recommended Parks and Recreation budget.

Councilwoman Frank stated that Council has no plans to close any center that is serving a lot of people. She said in fact Council has no plans to close any center if it can be helped but certainly not any that serves a lot of people.

Councilman Pless commented that he did not know how the word got out that Council intended to close any center. He said Council is only reviewing the \$2.4 million submitted by the Parks and Recreation Department.

Bill Pfeiffer, Chairman of the Parks and Recreation Advisory Board, said he was delighted with Council's action at today's meeting in stating that they would not close any centers. He said many people, as well as the members of the Parks and Recreation Advisory Board, were appalled at statements in the newspaper that facilities would be closed. He reminded Council members that all recreation centers have senior citizen programs. He said the Parks and Recreation budget had been cut for the last three years and the Department's requested budget was an absolute minimum budget and the Department is at "rock bottom."

Mr. Pfeiffer read the following letter.

April 13, 1982

Mayor Roy M. Trantham and Members of City Council
City Hall, P. O. Box 7148
Asheville, North Carolina 28807

SCHEDULING PUBLIC HEARING - REZONING PROPERTY LOCATED ON
BEAVERDAM ROAD - MILOFRAN FARM, INC. AND YMCA

3. Consideration was given to a motion scheduling a public hearing relative to rezoning property located on Beaverdam Road for Milofran Farm, Inc., and the YMCA for May 6, 1982.

Councilman Wilkes moved to schedule a public hearing relative to rezoning property located on Beaverdam Road for Milofran Farm, Inc., and YMCA for May 6, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

SCHEDULING PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD
ROAD - MR. PARNELL CARTER

4. Consideration was given to a motion scheduling a public hearing relative to rezoning property on Haywood Road from R-3 Medium Residential to CS Commercial Service District - Mr. Parnell Carter for May 6, 1982.

Councilwoman Frank moved to schedule a public hearing relative to rezoning property located on Haywood Road from R-3 Medium Residential District to CS Commercial Service District for Mr. Parnell Carter for May 6, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

PROCLAMATION - "GROUND ZERO WEEK" - APRIL 18-25, 1982 - APPROVAL
OF SIGN PERMIT

Mayor Trantham proclaimed the week of April 18-25, 1982, as "Ground Zero Week" in the City of Asheville.

Ms. Kitty Boneski, representing a group supporting "Ground Zero Week" requested that Council waive the sign ordinance allowing their organization to place a large plastic sign on Pack Square for one week. She said the sign would be a 3 x 5 sign.

After discussion Vice-Mayor Price moved to approve the sign permit for "Ground Zero" for one week, in recognition of Ground Zero Week, provided the Inspections Division approves the height and safety of the sign. This motion was seconded by Councilman Wilkes and carried unanimously.

PROCLAMATION - APRIL 19-25, 1982 "NATIONAL SECRETARIES WEEK"

Mayor Trantham proclaimed the week of April 19-25, 1982, as "National Secretaries Week" in the City of Asheville.

PROCLAMATION - APRIL 20, 1982 "DAY OF REMEMBRANCE OF THE VICTIMS
OF THE HOLOCAUST"

Mayor Trantham proclaimed April 20, 1982, as "Day of Remembrance of the Victims of the Holocaust."

spoke in support of the recommended Parks & Recreation Budget for 1982-83. She also commended Ray Kisiah, Director of Parks and Recreation for the great job that he has done for the City of Asheville. She said in her opinion the crime rate in the City of Asheville would soar without recreation facilities. She also reminded Council that the Parks and Recreation budget not only provides funding for recreation centers, but also for the Riverside Cemetery, trees, etc.

Bill Rocamora, member of the Parks and Recreation Advisory Board also spoke in support of the Parks and Recreation Department's recommended budget. He presented pamphlets to members of Council showing the benefits derived from recreation as well as the number of recreation facilities available through the Parks and Recreation Department.

Carl Johnson spoke in support of the Parks and Recreation budget stating that the funding for the Hillcrest Program has helped put Asheville on the map. He said the Hillcrest Program deals with pre-teens and teenagers and he had heard a rumor that the Hillcrest Program would be combined with the Montford Center, which he felt would be a mistake. He said he felt like the Hillcrest Program needed more attention than it was getting from the City of Asheville.

Councilman Wilkes and Councilman Pless told Mr. Johnson that there were no plans at all to consolidate the Hillcrest Program with the Montford Recreation Center.

James Turner, representing the East End Valley area requested that the City furnish a recreation area for children in their area.

Mr. Dean Beck, a juvenile court counselor presented statistics which proved that recreational programs helped to decrease crime rates particularly with juveniles.

Mr. Walter Hutchison, read a statement in support of the recommended Parks and Recreation Department budget for 1982-83.

Councilman Wilkes requested that all members of the Asheville Parks and Recreation Advisory Board receive a copy of the statement presented by Mr. Hutchison.

Mr. Marvin Chambers, representing the Kenilworth Residents Association spoke in support of the Parks and Recreation Department's recommended budget. He also read a letter supporting the budget.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 8, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, the minutes of the April 8, 1982, meeting were unanimously approved as submitted.

PROCLAMATION - APRIL 18-24, 1982 "VOLUNTEER RECOGNITION WEEK"

Mayor Trantham proclaimed April 18-24, 1982, as "Volunteer Recognition Week."

PROCLAMATION - APRIL 19-24, 1982, AND SEPTEMBER 13-17, 1982, AS "CLEAN-UP LITTER WEEKS"

Mayor Trantham proclaimed April 19-24, 1982, and September 13-17, 1982 as "Clean-Up Litter Weeks"

PROCLAMATION - APRIL 18-24, 1982, AS "PRIVATE PROPERTY WEEK"

Mayor Trantham proclaimed April 18-24, 1982, as "Private Property Week."

PROCLAMATION - APRIL 15-24, 1982, AS "HEALTH FAIR WEEK"

Mayor Trantham proclaimed April 15-24, 1982, as "Health Fair Week."

PROCLAMATION - APRIL 18-24, 1982, AS "CATHOLIC SCHOOL WEEK"

Mayor Trantham proclaimed April 18-24, 1982, as "Catholic School Week."

CLAIMS - WILHELMINA STREETER - LESTIE SHERLIN

The City Manager presented claims received from Wilhelmina Streeter and Lestie Sherlin.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

CITY COUNCIL MEETING - APRIL 29, 1982 - ASHEVILLE CIVIC CENTER BANQUET ROOM

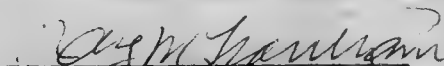
Due to the items scheduled for the agenda April 29, 1982, Councilwoman Frank moved that the City Council meeting for April 29, 1982, be held in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Wilkes and carried unanimously.

RALPH BISHOP - REQUEST FOR INFORMATION

Mr. Ralph Bishop requested that Vice-Mayor Price get him copies of parking lot leases as well as legal fees paid to Harold Bennett by the City of Asheville.

ADJOURNMENT

Upon motion, Mayor Trantham adjourned the meeting at 5:35 P.M.


MAYOR


CITY CLERK

RESOLUTION NO. 82-57 - RESOLUTION IN MEMORY OF JOHN JORDON SAUERS

4. Consideration was given to a resolution in memory of John Jordon Sauers.

The City Manager read the resolution stating that John Sauers was employed by the City of Asheville as a police officer on May 6, 1974, and faithfully fulfilled his duties of a police officer until his unfortunate accidental death on April 16, 1982.

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, Resolution No. 82-57 was unanimously adopted.

Complete text of Resoluion No. 82-57 will be found in Resolution Book No. 13 at page 189.

RESOLUTION NO. 82-58 - RESOLUTION IN MEMORY OF ROBERT LEE BOLLING

5. Consideration was given to a resolution in memory of Robert Lee Bolling.

The City Manager read the resolution stating that Robert Lee Bolling was an employee of the Facility Services Division of the City of Asheville until his unfortunate death on April 21, 1982.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resoluton No. 82-58 was unanimously adopted.

Complete text of Resolution No. 82-58 will be found in Resolution No. 13 at page 190.

RESOLUTION NO. 82-59 - RESOLUTION ADOPTING A PROGRAM OF WORK FOR THE CITY COUNCIL

6. Consideration was given to a resolution adopting a program of work for the City Council.

The City Manager read the resolution stating that the City Council wishes to adopt a specific program of work for the Fiscal Year 1982-83.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-59 was unanimously adopted.

Complete text of Resolution No. 82-59 will be found in Resolution Book No. 13 at page 191.

RESOLUTION NO. 82-60 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION CO., INC., FOR THE PROJECT KNOWN AS EMMA ROAD 8" SEWER LINE

7. Consideration was given to a resolution authorizing the Mayor to

Thursday - April 22, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, Deputy City Clerk, Carol Hensley

Absent: Councilman H. C. Wilkes
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Larry McDevitt

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 15, 1982, meeting.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, the minutes of the April 15, 1982, meeting were unanimously approved as submitted.

RAY KISIAH - DIRECTOR OF PARKS AND RECREATION - HAROLD D. MEYER
DISTINGUISHED ALUMNI AWARD

2. The City Manager recognized Ray Kisiah, Director of Parks and Recreation, stating that on April 15, 1982, Mr. Kisiah was presented the Harold D. Meyer Distinguished Alumni Award by the faculty and students of the University of North Carolina at Chapel Hill. This award was presented to Mr. Kisiah in recognition of his contributions to the profession of recreation administration and to the citizens of North Carolina. He was chosen to receive this award as the most distinguished alumnus to graduate from the Parks and Recreation curriculum at the University of North Carolina at Chapel Hill. This is the first such award to be presented by the University and they will make this an annual award.

RECOGNITION - FRED W. HENSLEY - CHIEF OF POLICE - CERTIFICATE OF
APPRECIATION

3. The City Manager recognized Fred W. Hensley, Chief of Police, stating that on April 15, 1982, Chief Hensley was presented a Certificate of Appreciation by the State of North Carolina Crime Watch, Crime Prevention Division of the North Carolina Department of Crime Control and Public Safety. This certificate was presented in recognition of Chief Hensley's outstanding service to the people of North Carolina and his personal commitment to crime prevention for the year of 1981. This certificate was presented by L. D. Hyde, Director of the Crime Prevention Division and was signed by Burley B. Mitchell, Jr., Secretary of the Department of Crime Control and Public Safety and Governor Hunt.

Cumberland Avenue is unfit for human habitation, unsafe and dangerous to life. A public hearing is necessary to direct the Housing Officer to demolish said dwelling.

The City Manager also read the following letter which was forwarded to the Montford Community Club, Historic Resources Commission, Preservation Society, Historic Montford Inc., and Richard Thornton of the Planning Department:

April 15, 1982

Mr. Ken Richards, Chairman
Montford Community Club
152 Pearson Drive
Asheville, NC 28801

Dear Mr. Richards:

This letter is to inform you and your organization of a case which the City Inspections Division is referring to the City Council for appropriate action, with the thought that you might be interested.

For several years, this Division has responded to numerous complaints concerning the property at 230 Cumberland Avenue. Short-term partial compliances have been achieved through code enforcement. However, we have been unable to achieve any significant long-term compliance.

In recent months, a hearing was held, at which time, the owner was ordered to clean up the premises and to make immediate repairs to bring the structure up to the minimum standards required by the Asheville Housing Code. The property owner has failed to comply with this order, and we are, therefore, referring this matter to the City Council with a request that they order the structure demolished or that they take whatever other action they deem appropriate.

The City Council, at their April 22, 1982, meeting will consider a resolution to schedule a public hearing on this matter. You and members of your organization are certainly welcome to attend this meeting if you desire.

We in the Inspections Division hate to see an old house demolished. We would much rather see it restored and utilized properly. However, to accomplish this, it is necessary for the City Council to make the final determination of action to be taken to obtain repairs or demolition when all other legal recourse has failed.

Sincerely yours,

L. F. Moore, Jr.
Assistant Director of Inspections

sign on behalf of the City of Asheville a contract with Hobson Construction Co., Inc., for the project known as Emma Road 8" Sewer Line.

The City Manager read the resolution stating that readvertisement for bids was set for April 2, 1982, on the Emma Road 8" Sewer Line Project. Hobson Construction Co., Inc., was the only bid received in the amount of \$50,108.50. This bid is within the estimated cost prepared by the Department of Water & Sewer Services. It has been recommended that Council accept the bids of Hobson Construction Co., Inc. This project is funded under 33-838.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution 82-60 was unanimously adopted.

Complete text of Resolution No. 82-60 will be found in Resolution Book No. 13 at page 192.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT - EAST
END/VALLEY STREET IMPROVEMENT PROGRAM

8. Consideration was given to a motion relative to the sale of disposal parcels in the East Riverside Renewal Project and East End/Valley Street Improvement Program.

The City Manager presented the recommendation of the Housing Authority stating that the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project and East End/Valley Improvement Program:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
39	Residential	\$2,800	\$2,901	Jerry Dean Lynch
48	Residential/Public	\$10,000	\$10,001	Triedstone Baptist Church

Larry Holt, Deputy Executive Director of the Housing Authority, said Parcel 39 is located in the East Riverside Renewal Project on South Grove Street and Parcel 48 is located in the East End/Valley Street Improvement area at the corner of New Pine, Curve and Miller Streets.

Vice-Mayor Price moved to approve the sale of the disposal parcels as recommended by the Housing Authority of the City of Asheville. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 82-61 - RESOLUTION CALLING FOR A PUBLIC HEARING
FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER
TO DEMOLISH THE DWELLING HOUSE KNOWN AS 230 CUMBERLAND AVENUE
FOR MAY 13, 1982

9. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Cumberland Avenue for May 13, 1982.

The City Manager read the resolution stating that it has been determined by the Housing Officer of the City of Asheville that 230

RESOLUTION NO. 82-63 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THOMPSON-GORDON-SHOOK ENGINEERS, INCORPORATED

12. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Thompson-Gordon-Shook Engineers, Incorporated.

The City Manager read the resolution stating that the City Engineering Division has requested and received a proposal from Thompson-Gordon-Shook Engineers, Incorporated, to provide professional engineering services necessary for the replacement of the Depot Street-Nasty Branch drainage structure. The City Engineering Division has reviewed and evaluated said proposal and the qualifications of said engineers, and recommend that said proposal be accepted.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-63 was unanimously adopted.

Complete text of Resolution No. 82-63 will be found in Resolution Book No. 13 at page 197.

YMCA PRESENTATION - JUVENILE JUSTICE PROGRAM - REQUEST FOR FUNDS

Bill Fesperman, with the YMCA outlined for members of Council the YMCA Program entitled Nypum - National Youth Project Using Mini Bikes and PYOR-G Project Youth Outreach for girls. He said this program began in November, 1975, with the City of Asheville participating for three years. He presented statistics showing that youngsters involved in these programs are court referred youngsters and stay clear of the law after being involved in the program. He said they are now working with 64 to 71 youngsters.

Mr. Fesperman's final request was that Council fund the program in the amount of \$2,000 for 1982-83. He said they would also be asking the County for \$2,000.

HISTORIC RESOURCES COMMISSION PRESENTATION OF FILM

Mrs. Grace Pless, Chairman of the Historic Resources Commission presented members of Council with a film relative to the Historic Resources Commission.

Mrs. Pless said the film would be shown on May 10, 1982, in the Pack Memorial Library at 5:00 P.M. for anyone interested in viewing the film.

DOCTOR LENORA ROOTS - CONSUMER COUNCIL OF WESTERN NORTH CAROLINA

Dr. Lenora Roots appeared before Council, on behalf of the Consumer Council of Western North Carolina, stating that she wanted Council members to know of her organization. She said their goal is to keep the people properly informed of what is going on and not the "pap" that is heard over and over again by the news media. She said they keep abreast of all House and Senate bills that are passed.

The City Manager stated that the Historic Resources Ordinance may have to be amended due to this action. However, this matter will be investigated before the public hearing.

Mike Coxe, with the Historic Resources Commission and the Montford Community Club said his organization will be looking for a buyer for 230 Cumberland Avenue before the public hearing. He said it would be better to restore the house rather than demolish, due to the fact that restoration of the dwelling would add tax base to the City of Asheville.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, Resolution No. 82-61 was unanimously adopted.

Complete text of Resolution No. 82-61 will be found in Resolution Book No. 13 at page 193-194.

SCHEDULING PUBLIC HEARING - PUBLIC COMMENT ON FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS - JULY 1, 1982, THROUGH JUNE 30, 1983

10. Consideration was given to a motion scheduling a public hearing to receive public comments on the final statement of Community Development objectives and projected use of funds for July 1, 1982 through June 30, 1983, for April 29, 1982.

Councilwoman Frank moved to schedule a public hearing to receive public comments on the final statement of Community Development objectives and projected use of funds for July 1, 1982 through June 30, 1983, for April 29, 1982. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 82-62 - RESOLUTION OF INTENT TO CLOSE A STREET AND CALLING A PUBLIC HEARING ON THE QUESTION FOR MAY 27, 1982

11. Consideration was given to a resolution of intent to close a street and calling a public hearing on the question for May 27, 1982.

The City Manager read the resolution stating that a petition has been filed by Dave Steel Company, Inc., E. Yates Hemphill and wife Hazel Hemphill and Bertha A. Keener requesting that the street known as East Haywood Street lying between Clingman Avenue and Park Avenue in the City of Asheville be permanently closed to public use.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-62 was unanimously adopted.

Complete text of Resolution No. 82-62 will be found in Resolution Book No. 13 at page 195-196.

made at 22 Normandy Road and no appreciable work had been done to the dwelling as required by Resolution No. 82-15 adopted by City Council on February 4, 1982.

After discussion Councilman McDevitt moved to schedule a public hearing on May 6, 1982, concerning proceeding with enforcement of Ordinance No. 1183 to demolish the dwelling house known as 22 Normandy Road. This motion was seconded by Councilwoman Frank and carried unanimously.

REQUEST OF SUSAN ARNETTE - LEASE OF PAVILION AT RECREATION PARK

Susan Arnette with the Arnette School of Arts requested that the City lease the pavilion at the Recreation Park to her for the summer. She said she would like to have a Country/Western Revue for children four years of age and up. She said that she had been told by the manager at the Recreation Park that the charge for the pavilion is \$100 per day. She requested that Council lease the pavilion to the Arnette School of Arts for \$100 per month for the summer.

After discussion the City Manager requested that Ms. Arnette present a written proposal for his consideration.

PUBLIC HEARING - "ALBEMARLE INN" AT 86 EDMONT ROAD AS HISTORIC PROPERTY

At the request of the City Manager, Councilman Myers moved to schedule a public hearing for May 13, 1982, to consider an ordinance designating a building and property known as the "Albemarle Inn" at 86 Edgemont Road as historic property. This motion was seconded by Vice-Mayor Price and carried unanimously.

SCHEDULING PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE TO ALLOW MOBILE HOMES IN ALL COMMERCIAL SERVICE DISTRICTS

The City Manager advised Council that the Planning and Zoning Commission at its April 7, 1982, meeting considered a request of Mr. Martin Nesbitt for a wording amendment to the zoning ordinance to allow single mobile homes in all commercial service districts. After discussion the Planning and Zoning Commission voted to recommend the wording amendment not be adopted.

Mr. Martin Nesbitt was notified by registered of the Planning and Zoning Commission's recommendation and his right to appeal the decision. Mr. Nesbitt has by letter dated April 20, 1982, appealed the decision of the Planning and Zoning Commission and has requested a public hearing before the City Council.

Councilman Myers moved to schedule a public hearing relative to amending the zoning ordinance to include single mobile homes in all commercial service districts for May 13, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

APPROVAL OF ASHEVILLE-BUNCOMBE WATER AUTHORITY BY-LAWS

The City Manager said members of Council were given copies of the Water Authority By-Laws adopted on April 20, 1982, by the Authority. He said pursuant to the Water Agreement the Authority is now requesting that Council consider and approve the by-laws.

Councilman Pless moved to approve the Water Authority By-Laws as approved by the Water Authority on April 20, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

PROCLAMATION - MAY 1-6, 1982 - "RESPECT FOR LAW WEEK"

Mayor Trantham proclaimed the week of May 1-6, 1982, as "Respect for Law Week."

PROCLAMATION - MAY 1982 - "AMERICAN BUSINESSWOMENS ASSOCIATION SCHOLARSHIP MONTH"

Mayor Trantham proclaimed the month of May, 1982, as "American Businesswomens Association Scholarship Month."

PROCLAMATION - MAY 1982 - "OLDER AMERICANS MONTH"

Mayor Trantham proclaimed the month of May, 1982, as "Older Americans Month."

CLAIMS - EVELYN RUSSELL - CINDY BARLOGA - JIMMY BLALOCK - J. E. ANDERSON - DAVID JONES, III

The City Manager presented the following claims from Evelyn Russell, Cindy Barloga, Jimmy Blalock, J. E. Anderson and David Jones, III.

Mayor Trantham referred the claims to the Corporate Counsel for investigation and recommendation.

PRESENTATION OF LETTER FROM BUSINESSMEN IN THE VICINITY OF EAGLE STREET AND BILTMORE AVENUE - PARKING LOT COMPLAINTS

The City Manager presented a letter from several businessmen in the area of Eagle Street and Biltmore Avenue relative to problems centered around a vacant lot and dilapidated buildings at the corner of Biltmore Avenue and Eagle Street. He said the city staff would investigate the complaint and report back to Council.

DISCUSSION RELATIVE TO DEMOLITION OF 22 NORMANDY ROAD

The City Manager advised that he had received notice indicating that Shelby Insurance Company, carrying insurance for work being done at 22 Normandy Road for Lottie Jean Fletcher and Elizabeth Gage had been cancelled.

Mr. Johnson of the Inspections Division said an inspection had been

Thursday - April 29, 1982 - 4:00 P.M.
Asheville Civic Center Banquet Room

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Acting Corporation Counsel Robert J. Robinson, City Manager Ken Michalove, Deputy City Clerk Carol Hensley.

Absent: Corporation Counsel William C. Moore
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 22, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the April 22, 1982, meeting were unanimously approved as submitted.

PUBLIC HEARING - FINAL STATEMENT ON COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS - JULY 1, 1982 THROUGH JUNE 30, 1983

RESOLUTION NO. 82-64 - RESOLUTION AUTHORIZING SUBMISSION OF A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1982-83

2. A public hearing was held relative to receiving public comments on the final statement on Community Development objectives and projected use of funds for July 1, 1982, through June 30, 1983.

Mayor Trantham opened the public hearing at 4:15 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the public hearing to receive public comments on the 8th Year Community Development Application is a requirement of Housing and Urban Development. He said the application is to the Department of Housing and Urban Development in the amount of \$1,650,000. He said neighborhood meetings were held during the month of March relative to the budget recommendations for the Community Development Fund. He said the budget recommendations were approved by the Community Development/Housing Authority Liaison Committee. He said the grant will be split up in the following manner:

DATE SCHEDULED TO DISCUSS BUDGET

It was the consensus of Council to meet on April 29, 1982, at 8:00 A.M. in the City Hall Building to further discuss the 1982-83 Budget for the City of Asheville.

RALPH BISHOP - REQUEST FOR RECORDS

Ralph Bishop again appeared before Council stating what he felt to be a difficulty in receiving public records particularly how much the City has paid Attorney Harold Bennett in connection with the Sullivan Act and to receive copies of leases for parking lots in the City.

ADJOURNMENT

Upon motion, Mayor Trantham adjourned the meeting at 6:20 P.M.


MAYOR


CITY CLERK

RESOLUTION NO. 82-65 - RESOLUTION SUPPORTING THE BILTMORE ESTATES - MCDONALDS BICYCLE RACE AND AUTHORIZING THE CLOSING OF CERTAIN STREETS IN THE CITY OF ASHEVILLE FOR SAID EVENT

3. Consideration was given to a resolution supporting the Biltmore Estate - McDonalds bicycle race and authorizing the closing of certain streets in the City of Asheville for said event.

The City Manager read the resolution stating that on May 6 - May 8, 1982, the Biltmore Estate and McDonalds are sponsoring a bicycle race in Asheville and Buncombe County. A portion of the race will be conducted on City maintained streets and a request has been made to close those portions on May 6, 1982 from 1:00 P.M. to 3:00 P.M. The area to be closed for the race will be "City-County Plaza on College Street, making a U-turn on College before the Woodfin-Valley Street intersection, back up College Street, right on North Spruce Street, left on Walnut Street, left on North Market Street, then left on College Street, finishing by going to the top of Town Mountain Road at the Governor's western residence.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-65 was unanimously adopted.

Complete text of Resolution No. 82-65 will be found in Resolution Book No. 13 at page 200.

INVITATION BY SALLY RHOADES - TO HEAR ARTS PLANNING CONSULTANT RALPH BURGARD

4. Sally Rhoades with the Mayor's Downtown Task Force appeared before Council stating that the Mayor's Downtown Task Force is sponsoring a two day workshop with Ralph Burgard who is one of the best known arts planning and facility consultants. She invited members of Council to a luncheon at the Arts Museum on Wednesday, May 5, 1982, to hear comments by Mr. Burgard.

RESOLUTION NO. 82-66 - RESOLUTION ESTABLISHING UTILITY POLICY FOR ACCOMMODATION OF STREET IMPROVEMENTS AND PROVIDING SAFETY TO THE GENERAL PUBLIC

5. Consideration was given to a resolution establishing utility policy for accommodation of street improvements and providing safety to the general public.

The City Manager read the resolution stating that the rights-of-way for City system streets are allowed to be used for locating utilities and the primary purpose of City street rights-of-way is to accommodate the safe and efficient movement of people and goods throughout the City. The City of Asheville is responsible for maintaining and improving the City system streets in order to accommodate the transportation needs of the citizens of Asheville in a safe and efficient manner. This resolution will establish a utility policy for accommodation of street improvements.

The City Manager said the utility policy was reviewed and approved by the Utilities Committee. He said this is basically formalizing a policy that has been practiced over the years.

Continuation of the East End/Valley Street	\$1,200,000
Continued funding for the Depot Street Project	\$ 150,000
Administration	\$ 104,000
Planning staff	\$ 45,000
Contingency	\$ 151,000

Mayor Trantham closed the public hearing at 4:17 P.M.

Mr. Emrick read the resolution.

Councilman Wilkes read the following letter:

45 Grail Street
Asheville, NC 28801
April 27, 1982

The Honorable Mayor and Members of Council
City of Asheville
P. O. Box 7148
Asheville, NC 28807

Dear Mayor and Members of Council:

As Chairman of the East End Community Organization, I would like to express the appreciation of the community for your support of the East End/Valley Street Community Improvement Program developed by our community and funded by the City using Community Development Block Grant Funds. The improvements to the streets are quite visible and are a source of pride to us and should be for you. The improved storm drainage, water and sanitary sewer systems although not as visible are having a positive impact on our community and are a source of pride. The Home Rehabilitation Loan and Grant Programs have been most successful and have resulted to date in the rehabilitation of fifty-three (53) homes with nine (9) currently in progress.

We appreciate your interest and support given in the past and request your favorable consideration of the proposed 1982-1983 Community Development Program which will allow us to continue the improvements set forth in the overall development plan for our community located in the shadow of City Hall.

Very truly yours,

W. B. Burton

Upon inquiry of Councilman McDavitt the City Manager said Council would have the freedom of changing the application and/or budget recommendations within HUD guidelines. He said in certain circumstances a formal application amendment would have to be made.

Upon motion of Vice-Mayor Price, seconded by Councilman Wilkes, Resolution No. 82-64 was unanimously adopted.

Complete text of Resolution No. 82-64 will be found in Resolution Book 13 at page 198-199.

RESOLUTION NO. 82-67 - RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE CONTRACT WITH THE ASHEVILLE-BUNCOMBE DEVELOPMENT CORPORATION REGARDING ECONOMIC DEVELOPMENT SERVICES

7. Consideration was given to a resolution authorizing the Mayor and the City Clerk to execute contract with the Asheville-Buncombe Development Corporation regarding economic development services.

The City Manager read the resolution stating that the Asheville-Buncombe Development Corporation provides a number of services that encourage and promote economic development for Asheville and the City of Asheville wishes to support the Asheville-Buncombe Development Corporation and these economic development activities. This resolution will authorize the Mayor to enter into an agreement with the Asheville-Buncombe Development Corporation.

The City Manager said that funds in the amount of \$5,000 were approved by Council several weeks ago to be paid to the Asheville-Buncombe Development Corporation pursuant to this agreement.

Upon motion of Councilman Myers, seconded by Councilman Wilkes, Resolution No. 82-67 was unanimously adopted.

Complete text of Resolution No. 82-67 will be found in Resolution Book No. 13 at page 203.

RECOGNITION OF SWANNANOA CLEANERS CLEAN SWEEP PARTICIPANTS - PRESENTATIONS MADE BY GOVERNOR HUNT

8. Mayor Trantham welcomed and introduced Governor James Hunt to make presentations to participants in the Swannanoa Cleaners Clean Sweep Program.

Governor Hunt made several comments relative to the 29 civic groups who participated in the Swannanoa Cleaners Clean Sweep Program.

Governor Hunt and Bretney Smith, President of Swannanoa Cleaners who instigated the Swannanoa Cleaners Clean Sweep Program, made presentations of certificates and checks to participants of the program.

Mayor Trantham thanked Mr. Bretney Smith for spearheading the Swannanoa Cleaners Clean Sweep Program.

Mr. Bill Prescott, Chairman of Quality Forward thanked the Governor for presenting the certificates and the participants of the program.

Councilman Wilkes was excused at 5:28 P.M.

Mayor Trantham turned the meeting over to Vice-Mayor Price.

PUBLIC HEARING - APPLICATION FOR AN INCREASE IN RATES BY THOMS BROADCASTING CO., INC., FOR CABLEVISION SERVICE

9. Vice-Mayor Price opened the public hearing at 5:20 P.M.

Councilman McDevitt suggested that the City receive, in writing from all the utility companies, an agreement relative to this utility policy.

Upon motion of Councilman McDevitt, seconded by Councilman Myers, Resolution No. 82-66 was unanimously adopted.

Complete text of Resolution No. 82-66 will be found in Resolution Book No. 13 at page 201-202.

BIDS - TURBO/TURBINE AND COMPOUND WATER METERS FOR THE WATER AND SEWER DEPARTMENT

6. Consideration was given to bids received April 15, 1982, for turbo/turbine and compound water meters for the Water and Sewer Department.

The City Manager presented the bids stating that five bids were received. These bids have been reviewed by Bill DeBruhl, Director of Water and Sewer Services and Ruel Austin, Superintendent of Water Customer Services. All recommendations are to the low bidders as follows:

Neptune Water Meter Co.	Bid Sections I, II, III	\$ 6,012.49
	(SECTION I - 7 ea. 4 inch Bronze Meters, Strainer and Accessories Turbo/Turbine)	
	(SECTION II - 1 ea. 6 inch Bronze Meter, Strainer and Accessories Turbo/Turbine)	
	(SECTION III - 1 ea. 3 inch Bronze Meter, Strainer and Accessories Turbo/Turbine)	
Pump & Lighting Co.	Bid Sections IV and V	<u>4,559.36</u>
	(SECTION IV - 2 ea. 4 inch Brass/Bronze Meters, Strainer and Accessories Compound)	
	(SECTION V - 2 ea. 3 inch Brass/Bronze Meters, Strainer and Accessories Compound)	
TOTAL AWARD		\$10,571.85

Sufficient funds for this purchase are available in the Water and Sewer Department appropriations.

Vice-Mayor Price moved to approve the bids as presented by the City Manager. This motion was seconded by Councilman Wilkes and carried unanimously.

Mr. R. B. Watson of 135 Lakewood Drive, spoke in opposition to Thoms Broadcasting Company, Inc., receiving an increase in rates. He cited examples of poor signalization, reception and cable being off for several days and receiving no adjustment in rates. He said he felt Thoms Broadcasting Company, Inc., should improve their services before requesting an increase in rates.

Mr. Jerose said the 8.4% requested increase would increase cable-vision rates by 75¢ and he was hoping for an effective date of June 1, 1982.

Vice-Mayor Price closed the public hearing at 5:43 P.M.

Councilman McDevitt reiterated that he had previously been excused from participating in the action on Thoms Broadcasting Company due to his representation of a principal owner of the company.

Mayor Trantham advised Mr. Cogburn and Mr. Jerose that Council would take the rate increase request under consideration and review it during the next Council work session.

RESOLUTION NO. 82-68 - RESOLUTION OF INTENT TO CLOSE A PORTION OF SHOENBERGER PLACE AND CALLING A PUBLIC HEARING FOR JUNE 3, 1982

10. Consideration was given to a resolution of intent to close a portion of Shoenberger Place and calling a public hearing for June 3, 1982.

The City Manager read the resolution stating that a petition has been received from Richard T. Whittington requesting that the City of Asheville close a portion of Shoenberger Place located off Ravenscroft Drive in downtown Asheville.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-68 was unanimously adopted.

Complete text of Resolution No. 82-68 will be found in Resolution Book No. 13 at page 204.

SCHEDULING PUBLIC HEARING - AMENDING ORDINANCE NO. 1109, KNOWN AS "AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY FOR MAY 20, 1982"

11. Consideration was given to a motion scheduling a public hearing to consider amending Ordinance No. 1109, known as "an ordinance creating the Historic Resources Commission of Asheville and Buncombe County" for May 20, 1982.

The City Manager said the Historic Resources Commission has requested that the City Council amend the Historic Resources Commission Ordinance to be compatible with current North Carolina General Statutes.

Councilman Myers moved to schedule a public hearing to consider amending Ordinance No. 1109 for May 20, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Max Cogburn, attorney representing Thoms Broadcasting Co., Inc., said Thoms Broadcasting Co., Inc., is requesting Council's approval of a rate increase for cablevision services indicating there has been no increase in the rates permitted to be charged since 1979, but expenses in operation and maintenance have continued to grow. He said it now becomes necessary for Thoms Cablevision to ask for a rate increase in accordance with the percentage with the National Consumer Price Index as published by the Bureau of Labor Statistics has increased in the twelve months preceding that date. He said that increase has been in the amount of 8.4%. He said according to the franchise ordinance Thoms Cablevision may request an increase each eighteen months and the last increase was granted in December 1979.

Mr. Cogburn questioned whether a public hearing before the Asheville City Council is necessary. He said Thoms Broadcasting Company, Inc., is not objecting to a public hearing. He said each subscriber has been notified that an increase in cablevision services is being requested.

Upon inquiry of Councilwoman Frank, Mr. Cogburn said the franchise ordinance with the City provides that Thoms Broadcasting Company shall pay the City of Asheville 6% of gross revenues. He said in 1967 the FCC placed a lid on the amount a franchising authority (City of Asheville) may charge in the amount of 3%. However, Thoms Broadcasting Company, Inc., agreed, by the franchising ordinance, to pay the City of Asheville 6% of gross revenues and Thoms Broadcasting Company, Inc., will continue to pay the City of Asheville a 6% franchise fee, pursuant to the franchise ordinance, during the duration of the franchise which was for a 35 year period.

Upon inquiry of Councilman Myers, Mr. Cogburn said the City of Asheville receives 6% of gross revenues of basic subscriber fees but not on additional services such as HBO and extended services.

Acting Corporation Counsel Robinson questioned whether or not the City of Asheville should receive 6% on the second tier rates such as CBS, NBC and ABC, stating that in his opinion that is not pay TV and the City of Asheville should receive 6% of that gross revenue.

Mr. John Jerosé of Thoms Broadcasting Company, Inc., responding to Corporation Counsel Robinson, said his company has the privilege of selecting certain services for their subscribers. He said the second tier stations are optional channels and are not basic subscriber services. He said his company does not have to carry the optional channels and they are additional pay TV services.

Upon inquiry of Mayor Trantham, Mr. Jerosé said his company intends to cover 100% of the City within the near future.

Upon inquiry of Councilman Myers relative to promptness of service calls, Mr. Jerosé said their policy is to try to answer any service call within 24 hours. He said his company had experienced problems with converter services during the month of March and several service calls were delayed.

24

CLAIMS - NANCY DAVIS - MACK HOWARD

The City Manager presented claims received from Nancy Davis and Mack Howard.

Vice-Mayor Price presented the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - MAY 2-8, 1982 - "CLEAN AIR WEEK"

Vice-Mayor Price proclaimed the week of May 2-8, 1982, as "Clean Air Week."

REQUEST OF MRS. SHIRLEY TURNER - WAIVING OF REQUIREMENTS OF SIGN ORDINANCE FOR 36th ASHEVILLE ANTIQUE FAIR

The City Manager read the following letter:

April 27, 1982

The Honorable Mayor and Members of City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor and Members of City Council:

The 36th Asheville Antiques Fair will be held August 5-7, 1982, at the Asheville Civic Center. In conjunction with the Fair, I would like to respectfully request permission to place two (2) banners in the downtown area to attract people to the Fair. Specifically, I would like to place a banner across the street on Haywood Street across from the Banner House and on Broadway in front of Asheville Showcase. The banners would be three-feet wide and 20 feet in length and would read "36th Antiques Fair, August 5-7, Civic Center. I would like for the banners to fly three weeks prior to the closing day of the Fair - July 19, 1982, through August 7, 1982.

I would greatly appreciate your consideration of this request and your waiving the appropriate section of the sign ordinance to permit this activity.

Very truly yours,

Mrs. Shirley Turner
72 Windsor Road
Asheville, NC 28804
254-5400

The City Manager advised Council that the City staff would investigate Mrs. Turner's request and report back to Council.

PROCLAMATION - NATIONAL "NURSING HOME WEEK" - MAY 9-15, 1982

Vice-Mayor Price proclaimed the week of May 9-15, 1982, as "National Nursing Home Week."

RESOLUTION NO. 82-69 - RESOLUTION APPOINTING ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT UNDER ORDINANCE NO. 322, AS AMENDED BY ORDINANCE NO. 1256 (WADE H. THOMAS)

12. Consideration was given to a resolution appointing alternate member to the Board of Adjustment under Ordinance No. 322, as amended by Ordinance No. 1256.

The City Manager read the resolution stating that in order to comply with the provisions of Ordinance No. 1256, the City Council of the City of Asheville did, by Resolution No. 82-39 appoint four (4) members to the Board of Adjustment and four (4) alternate members. Ordinance No. 1256 provides for the appointment of five (5) alternate members to the Board of Adjustment. This resolution will appoint Mr. Wade H. Thomas as an alternate member to said Board.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-69 was unanimously adopted.

Complete text of Resolution No. 82-69 will be found in Resolution Book No. 13 at page 205.

RESOLUTION NO. 82-70 - RESOLUTION ELECTING MEMBERS OF BOARD OF EXAMINERS FOR POLICEMEN'S PENSION AND DISABILITY FUND

13. Consideration was given to a resolution electing members of Board of Examiners for Policemen's Pension and Disability Fund.

The City Manager read the resolution stating that this resolution will reappoint Mr. James H. Parris, Jr., and Dr. John A. Henderson as members of the Board of Examiners for Policemen's Pension and Disability Fund for a term of three (3) years, term expiring April 20, 1985.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-70 was unanimously adopted.

Complete text of Resolution No. 82-70 will be found in Resolution Book No. 13 at page 206.

RESOLUTION NO. 82-71 - RESOLUTION IN MEMORY OF GEORGE RUSSELL SWIFT, III

14. Consideration was given to a resolution in memory of George Russell Swift III.

The City Manager read the resolution stating that Mr. Swift served on the Mayor's Committee on Employment for the Handicapped.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-71 was unanimously adopted.

Complete text of Resolution No. 82-71 will be found in Resolution Book No. 13 at page 207.

Thursday, May 7, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Gordon Myers and Larry McDevitt; Corporate Counsel William C. Moore; and City Manager K. M. Michalove.

Absent: Councilman H. C. Wilkes
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 29, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the April 29, 1982, meeting were unanimously approved as submitted.

RESOLUTION NO. 82-72 - RESOLUTION IN MEMORY OF DR. LEON H. FELDMAN

2. Consideration was given to a resolution in memory of Dr. Leon H. Feldman.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-72 was unanimously adopted.

Complete text of Resolution No. 82-72 will be found in Resolution Book No. 13 at page 210.

PUBLIC HEARING - REZONING PROPERTY LOCATED ON BEAVERDAM ROAD FOR COLONEL MITCHEL WOLFSON AND THE YMCA

ORDINANCE NO. 1271 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to rezoning property located on Beaverdam Road for Colonel Mitchel Wolfson and the YMCA.

Mayor Trantham opened the public hearing at 4:17 p.m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting on April 7, 1982, considered the following petitions for rezoning their property from R-1 Residential District to R-2 Residential District:

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop again appeared before Council making comments relative to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion the meeting adjourned at 6:00 P.M.

Raymond J. Harrison
MAYOR

William S. Holcomb
CITY CLERK

Mr. Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting on April 7, 1982, considered the petition of Mr. Parnell Carter that Ward 6, Sheet 9, Lot 103-3/4, be rezoned from R-3 Medium Residential District to CS Commercial Service District. He said the property is located on Haywood Road in West Asheville. He said that the Commission voted to recommend to City Council that this request be approved.

Mr. Parnell Carter said that Southern Bell would like to put a small prefab equipment building on this lot. He said that there would be no personnel in it, only equipment.

Mayor Trantham closed the public hearing at 4:43 p.m.

Mr. Emrick read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1272. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1272 passed on its first reading.

PUBLIC HEARING - 22 NORMANDY ROAD

5. A public hearing was held relative to dissolving a stay of execution, pursuant to Resolution No. 82-15, known as "Resolution Relative to Ordinance No. 1183, known as 'An Ordinance Directing the Housing Office to Demolish the Dwelling House known as 22 Normandy Road.'"

Mayor Trantham opened the public hearing at 4:46 p.m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

Mr. J. E. Johnson, Director of Inspections, said that on April 22, 1982, the City Manager received notice that Shelby Insurance Company, carrying insurance for work being done at 22 Normandy Road for Lottie Jean Fletcher and Elizabeth Gage, had been cancelled. At that time, the City Manager instructed Mr. Johnson to make an inspection of the dwelling and he found no appreciable work had been done. As a result of these findings, the public hearing was set for today. Mr. Johnson said that he had inspected the dwelling today and has found that satisfactory progress is being made. He said that the general contractor assured him that the work can be finished in approximately four months.

Corporate Counsel Bill Moore stated that he has spoken with Mr. Wesley F. Talman, attorney for the property owners, and has found out that the insurance was not cancelled and that the insurance policy is in fact, in full force and effect.

Mayor Trantham closed the public hearing at 4:48 p.m.

REPORT FROM THE BOARD OF EXAMINERS OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND RELATIVE TO THE APPEAL OF WALTER D. GILCHRIST OF THE ASHEVILLE POLICE DEPARTMENT

Mr. Robert Ford, Agent for Col. Mitchel Wolfson -
Lot 12, Sheet 24, Ward 9. (Beaverdam Road)

Mr. William B. Fesperman, Director, YMCA of
Asheville-Buncombe County - Lot 11, Sheet 24,
Ward 9. (Beaverdam Road)

Mr. Emrick said that the Commission voted to recommend to City Council that Lots 11, 12 and 13 be rezoned from R-1 Residential District to R-2 Residential District. He said that the Commission recommended Lot 13 to be included in this rezoning to allow for uniform contiguity in this rezoning.

Mr. Charles Worley, representing Millofram Farm, said that they feel this zoning change would be in the best interest and best use of the property. He said that Millofram Farm does not have any development plans but negotiations are underway with a potential developer which would develop it along the uses permitted in a R-2 zone.

Mr. Bill Fesperman, Director of the YMCA, said that the YMCA presently has no plans for developing or selling the property. He said that they feel that if the property is rezoned to R-2 there will be a substantial increase in property values.

Mr. Joe Kater, 659 Kimberly Avenue, spoke in opposition of the rezoning stating that if a condominium is built on one of the lots, the traffic flow on Kimberly Avenue would significantly increase.

Mr. William Campbell, 651 Kimberly Avenue, also spoke against the rezoning. He felt that the rezoning would be a move against the better interest of the neighborhood.

Mayor Trantham closed the public hearing at 4:35 p.m.

Mr. Emrick read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1271. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1271 passed on its first reading.

PUBLIC HEARING - REZONING PROPERTY ON HAYWOOD ROAD

ORDINANCE NO. 1272 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing was held relative to rezoning property on Haywood Road from R-3 Medium Residential to CS Commercial Service District for Mr. Parnell Carter.

Mayor Trantham opened the public hearing at 4:38 p.m.

The City Manager presented the notice to the public setting the time and date of the public hearing and the affidavit of publication.

POLICEMEN'S PENSION AND DISABILITY FUND
OF ASHEVILLE, N. C.
(OLD RETIREMENT PLAN FOR POLICE)

LISTING OF RETIRED EMPLOYEES
JULY 1, 1981

<u>Name</u>	<u>Type of Retirement</u>	<u>Date of Retirement</u>	<u>Monthly Benefit</u>
Adams, James C.	Normal	5/1/69	257.32
Allison, Williamson B.	Normal	1/31/77	401.06
Anderson, Marie J.	Survivor	2/15/51	120.00
Arendale, Helen R.	Survivor	4/21/74	171.50
Baird, Justine	Survivor	4/16/72	433.76
Baker, Joseph D.	Normal	11/17/72	310.00
Bell, Richard C.	Disability (in-line)	4/1/58	227.50
Best, John	Normal	2/1/78	491.27
Brittain, Mrs. H. J.	Survivor	4/15/57	60.90
Brown, Margie	Survivor	4/1/51	120.00
Brownlee, Harold F.	Normal	9/30/68	301.94
Burnette, Cecil	Normal	6/1/79	404.17
Chandlely, James C.	Normal	6/30/66	218.41
Chesley, Everett F.	Disability (in-line)	6/1/57	241.15
Clark, Leonard S.	Disability (in-line)	1/16/65	257.83
Coffee, James M.	Normal	8/31/74	402.53
Cogburn, Mrs. W. H.	Survivor	10/1/47	48.02
Cole, A. B.	Disability	1/1/59	151.00
Deweese, Kathryn B.	Survivor	6/1/65	197.17
Enloe, Ruth L.	Survivor	11/25/51	450.00
Fields, Ruby	Survivor	12/25/74	122.01
Fleming, James E.	Normal	7/1/78	419.57
Fox, Marshall B.	Normal	10/8/66	213.85
Fox, William B.	Normal	1/5/63	182.32
Gardin, Roy B.	Normal	5/1/74	299.98
Gilchrist, Walter D.	Disability	6/1/79	205.86
Glenn, Christine	Survivor	1/1/53	47.40
Godwin, Harry	Disability (in-line)	8/1/77	733.46
Hall, Joseph C.	Disability (in-line)	2/1/77	1,194.03
Haney, W. E.	Normal	9/15/69	261.16
Higgins, Jack W.	Disability (in-line)	10/1/79	806.38
Holland, Mrs. H. F.	Survivor	6/1/71	227.50
Hooper, Mary K.	Survivor	11/1/54	66.70
Horton, Carroll P.	Normal	8/1/80	440.71
Jarrett, Mrs. R. E.	Survivor	10/1/77	164.01
Johnson, Mattie T.	Survivor	3/15/50	49.03
Letterman, Joseph E.	Disability (in-line)	9/1/78	850.73
Mancy, Donald E.	Disability (in-line)	12/1/78	1,036.30
McMahan, Mrs. P. G.	Survivor	11/1/77	386.60
Messer, Ruth L.	Survivor	10/22/59	88.72
Metcalf, Joe L.	Disability (in-line)	2/1/75	523.25

6. The City Manager read the following letter:

"April 27, 1982

Mr. William F. Wolcott, Jr.
Associate City Manager/City Clerk
City of Asheville
P.O. Box 7148
Asheville, North Carolina 28807

Dear Mr. Wolcott:

This letter is in response to the request from Asheville City Council in the matter of appeal of Walter D. Gilchrist. On April 19, 1982, the Board of Examiners of the Asheville Policemen's Pension and Disability Fund met in regular session and the following is the result of consideration of such request.

1. The names of individuals the Board of Examiners approved for in-line of duty disability retirement due to diabetes.

ANSWER: The records of the Board of Examiners reveal no case where in-line of duty disability retirement was granted for diabetes.

2. The names of individuals the Board of Examiners approved for in-line of duty disability retirement who became disabled for non-service connected reasons.

ANSWER: None

3. Reasons and/or explanation for the Board of Examiners approving non-line of duty disability retirement rather than in-line of duty disability retirement for Walter D. Gilchrist.

ANSWER: Individual's (Gilchrist) diabetes has no connection with his service as a policeman.

In addition, the Board of Examiners, upon motion by Mr. Michalove, second by Dr. Henderson, unanimously approved a reaffirmation to approve and to continue disability retirement not in the line of duty for Walter D. Gilchrist.

Very truly yours,

Roy M. Trantham
Chairman
Board of Examiners
Asheville Policemen's Pension
and Disability Fund

RMT:llh
Attachment"

Mayor Trantham requested that each Councilmember receive a copy of the letter the City Manager read.

The City Manager said that during the Pre-Council meeting, it was the consensus of Council to delay making a decision relative to Mr. Gilchrist's retirement until the full Council was present, which would be June 3, 1982.

Councilwoman Frank moved to continue the public hearing relative to the appeal of Walter D. Gilchrist of the Asheville Police Department until June 3, 1982. This motion was seconded by Councilman Myers and carried unanimously.

BUDGET AMENDMENTS - CITY OF ASHEVILLE OPERATING BUDGET

7. Consideration was given to a budget amendment amending the General Fund.

The City Manager said that this budget amendment in the amount of \$1,100 is to appropriate funding for appraisal of surplus land at the Asheville Regional Airport.

Vice-Mayor Price moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

Consideration was given to a budget amendment amending the Grants Program Fund.

The City Manager said that this budget amendment in the amount of \$2,313 is to increase the Juvenile Justice Delinquency Provision grant for the Hillcrest Parenting Program.

Councilwoman Frank moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 82-73 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HUNTLEY CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS WAYNESVILLE AVENUE 8-INCH SEWER LINE

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Huntley Construction Company for the project known as Waynesville Avenue 8-Inch Sewer Line.

The City Manager read the resolution stating that three bids were received and that Huntley Construction Company was the apparent low bidder in the amount of \$22,978.00.

In response to Councilman McDevitt's inquiry as to the Water Authority's right to approve or disapprove the plans and specifications relative to the City's operation of the sewer system, the City Manager suggested to amend the resolution by changing the sentence "... according to plans and specifications issued by Asheville/Buncombe Water Authority; and ..." to read "... according to plans and specifications issued by the City of Asheville; and ..."

<u>Name</u>	<u>Type of Retirement</u>	<u>Date of Retirement</u>	<u>Monthly Benefit</u>
Miles, Mrs. F. L.	Survivor	12/31/54	56.18
Moulds, James J.	Disability (in-line)	4/1/79	735.27
Newsome, Harold E.	Disability (in-line)	9/1/79	807.27
Nicholson, Imogene	Survivor	4/15/60	65.76
Owens, Carroll R.	Disability	11/30/73	324.97
Parker, Margaret J.	Survivor	9/1/61	88.69
Patton, Anna L.	Survivor	1/1/47	41.76
Pinner, James R.	Disability	8/17/62	178.65
Plemmons, Larry O.	Disability (in-line)	4/1/79	728.52
Poore, Robert D.	Disability (in-line)	6/20/75	550.55
Randall, Harvey J.	Normal	5/30/65	201.11
Rector, Charles H.	Disability (in-line)	9/1/78	850.72
Redmon, Bessie Z.	Survivor	8/1/52	56.43
Reese, Robert H.	Normal	7/1/73	384.23
Rhew, C. R.	Normal	2/25/77	383.49
Roberts, Loyd E.	Disability (in-line)	1/1/79	701.90
Robinson, James G.	Normal	1/1/81	544.85
Robinson, Mrs. L. B.	Survivor	1950	46.03
Russell, Alma	Survivor	2/1/52	59.57
Sanford, Lillian S.	Survivor	7/15/61	91.71
Shirley, Mrs. Ben	Survivor	6/1/48	48.33
Silvey, Clara J.	Survivor	5/1/78	771.75
Simpson, James B.	Disability	12/5/61	189.99
Sligh, Mary S.	Survivor	11/24/62	124.25
Sluder, Myrtle	Survivor	3/7/80	179.11
Smith, E. B.	Disability (in-line)	7/15/68	242.17
Smith, Lillian	Survivor	9/17/66	106.04
Taylor, Mrs. Fairlee	Survivor	5/31/63	92.54
Trexler, Lawrence B.	Disability	4/16/65	211.01
Trulove, J. W.	Disability (in-line)	6/1/78	1,143.56
Waddell, Dorothy P.	Survivor	4/30/66	141.93
Ward, John R.	Disability (in-line)	5/1/80	861.47*
Webb, Charles E.	Disability (in-line)	7/1/80	781.08**
Welborn, Clarence F.	Disability (in-line)	1/1/79	1,036.30
Wible, Garland C.	Disability (in-line)	2/1/58	227.50
Wilson, James C.	Disability (in-line)	8/1/55	210.00
Winchester, Mrs. F. P.	Survivor	11/1/47	30.05

*Participant is currently receiving \$78.17 per month due to offset of Workmens' Compensation payments.

- **Participant is currently receiving \$106.21 per month due to offset of Workmens' Compensation payments.

Complete text of Resolution No. 82-75 will be found in Resolution Book No. 13 at page 213.

Mayor Trantham was excused from the meeting at 5:15 p.m. due to an engagement he was scheduled to speak at.

BIDS - SOLID WASTE COLLECTION SYSTEM VEHICLE

11. Consideration was given to bids received March 11, 1982, for a Solid Waste Collection System Vehicle.

Upon request of Councilman McDevitt, Councilwoman Frank moved to excuse Councilman McDevitt from consideration in this matter due to a conflict of interest as he represents Apple Tree Chevrolet, which are the low bidders. This motion was seconded by Councilman Myers and carried unanimously.

The City Manager reviewed the bid request stating that four bidders submitted proposals. He said that after reviewing the bids, the City staff's opinion is to recommend awarding the bid to Apple Tree Chevrolet as the lowest fully responsive bid in the amount of \$20,842.42. He said that sufficient funding for this purchase is available in the Revenue Sharing Fund, Public Works Department, Sanitation Division appropriations.

Mr. Clark Brown, Director of Public Works, said that this purchase would give complete coverage of the City during the approximate three month leaf and brush collection. He said that there is a 10 day waiting period from when the call first comes in to when the brush or leaves are picked up.

Councilman Pless moved to postpone this approval until next week in order to give the Council ample time to review this bid request. This motion was seconded by Councilman Myers and carried unanimously.

Mr. Brown stated that Council did approve one-half of the total system two weeks ago which was the tractor.

Upon realization of the purchase two weeks ago, Councilman Pless withdrew his motion for postponement and Councilman Myers withdrew his second.

Councilwoman Frank moved to accept the bids as presented by the City Manager. This motion was seconded by Councilman Myers and carried on a 4-1 vote, with Councilman McDevitt being excused from voting.

Councilman Pless requested that the City Manager try to schedule all related bid requests at the same meeting in the future.

RESOLUTION NO. 82-76 - RESOLUTION APPOINTING THE MEMBERS OF THE CITY PERSONNEL ADVISORY COMMISSION

Consideration was given to a resolution appointing the members of the City Personnel Advisory Commission.

The City Manager read the resolution which appointed Mr. Harry Clarke, Mr. Jim Pressley, Mr. Ed Garner, Mrs. Jean Boyd and Mrs. Thelma Caldwell as the members of the City Personnel Advisory Committee.

Councilman Pless moved for the adoption of Resolution No. 82-76. This motion was seconded by Councilwoman Frank and carried unanimously.

Councilman McDevitt moved to adopt the resolution as suggested by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

After some discussion relative to the Water Authority's responsibility other than the funding of sewer maintenance activities, Vice-Mayor Price moved to instruct the Corporate Counsel to examine the Water Agreement in terms of the City Council's role in the operation of the policy of the sewer system in the City under the Water Agreement. This motion was seconded by Councilwoman Frank and carried unanimously.

Complete text of Resolution No. 82-73 will be found in Resolution Book No. 13 at page 211.

RESOLUTION NO. 82-74 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH JENNINGS GLASS COMPANY, INC., FOR THE PROJECT KNOWN AS REID RECREATION CENTER AND SHILOH RECREATION CENTER VESTIBULES

9. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Jennings Glass Company, Inc., for the project known as Reid Recreation Center and Shiloh Recreation Center Vestibules.

The City Manager read the resolution stating that two bids were received on April 13, 1982, and they were returned unopened and the bid date was reset for April 20, 1982. On April 20, 1982, once again two bids were received and that Jennings Glass Co., Inc., was the apparent total low bidder in the amount of \$12,187.26.

Mr. Ray Kisiah, Director of Parks and Recreation, stated that this expense is an energy conservation measure.

Vice-Mayor Price moved for the adoption of Resolution No. 82-74. This motion was seconded by Councilwoman Frank and carried on a 5-1 vote, with Councilman McDevitt voting "no."

Complete text of Resolution No. 82-74 will be found in Resolution Book No. 13 at page 212.

RESOLUTION NO. 82-75 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH STROUP SHEET METAL WORKS, INC., FOR THE PROJECT KNOWN AS REID RECREATION CENTER RE-ROOFING AND RELATED REPAIRS

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Stroup Sheet Metal Works, Inc., for the project known as Reid Recreation Center Re-Roofing and Related Repairs.

The City Manager read the resolution stating that two bids were received on April 5, 1982, and they were returned unopened and the bid date was reset for April 15, 1982. On April 15, 1982, once again two bids were received and that Stroup Sheet Metal Works, Inc., was the apparent low bidder in the amount of \$45,973.00.

Councilwoman Frank moved for the adoption of Resolution No. 82-75. This motion was seconded by Councilman McDevitt and carried unanimously.

The City Manager stated that he would have a report for Councilman McDevitt in the near future.

PROJECTED SCHEDULE REQUESTED OF MAJOR WORK TO BE DONE

Councilman Myers and Councilman McDevitt stated that several businesses in the downtown area have expressed their concerns about their businesses being blocked off during the summer months due to work being done on the streets.

The City Manager stated that he would supply Council with a projected schedule of the specific areas in which work will be done.

In response to Councilman McDevitt's statement that the Bootery management had not been contacted relative to the work done in front of their store, the City Manager said that he had personally spoke with the manager and would get back in touch with him.

COUNCIL WORKSESSION - MAY 11, 1982

It was the consensus of Council to hold their Council Worksession on May 11, 1982, from 5:00 p.m. to 10:00 p.m.

APPOINTMENT OF ACTING CHAIRMAN OF THE CITY PERSONNEL ADVISORY COMMISSION

Councilman Myers moved to appoint Mr. Jim Pressley as Acting Chairman of the City Personnel Advisory Commission since he received the largest number of votes. This motion was seconded by Councilman Pless and carried unanimously.

Councilwoman Frank moved to ask the members of the Commission to meet with the Council on June 3, 1982, to review the work program the Council would like the Commission to work on. This motion was seconded by Councilman McDevitt and carried unanimously.

VIRGINA YORK - 15 SUNSET TRAIL

Ms. Virginia York addressed the Council relative to the condition of Sunset Trail.

The City Manager said that he would look into the situation.

RALPH BISHOP

Mr. Ralph Bishop spoke to Council relative to his inability to get pension records.

ADJOURNMENT

The meeting was adjourned at 6:03 p.m.

Raymond J. Hamilton
MAYOR

William F. Prescott
CITY CLERK

Complete text of Resolution No. 82-76 will be found in Resolution Book No. 13 at page 214.

SCHEDULING PUBLIC HEARING - ADOPTION OF AN ORDINANCE TO INCLUDE PROPERTY KNOWN AS THE "WILLIAMS-McQUEEN HOUSE" at 105 GUDGER STREET IN THE MONTFORD LOCAL HISTORIC DISTRICT

Consideration was given to a motion scheduling a public hearing relative to the adoption of an ordinance to include property known as the "Williams-McQueen House" at 105 Gudger Street in the Montford Local Historic District.

Councilman Myers moved to schedule a public hearing relative to the adoption of an ordinance to include property known as the "Williams-McQueen House" at 105 Gudger Street in the Montford Local Historic District for May 27, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

PROCLAMATION - MAY 9-15, 1982 - TELEPHONE OPERATOR APPRECIATION WEEK

Vice-Mayor Price proclaimed the week of May 9-15, 1982, as "Telephone Operator Appreciation Week" in the City of Asheville.

CLAIMS - KAREN COGGANS, ESTATE OF JOSEPHINE DODSON, KAY HORRELL, JANE MORGAN - LAWSUITS IN WHICH THE CITY IS EITHER A DEFENDANT OR A RESPONDENT - D.O.T., CONDEMNATION OF SIDNEY M. SCHOCHET PROPERTY (VALLEY STREET) AND D.O.T., CONDEMNATION OF CAROLYN JONES PROPERTY (VALLEY STREET)

The City Manager presented claims received from Karen Coggans, Estate of Josephine Dodson, Kay Horrell and Jane Morgan. He also stated that the city was served with the following summonses in which the city is either a defendant or a respondent:

PLAINTIFF/PETITIONER NATURE OF SUIT

D.O.T.	Condemnation of Sidney M. Schochet property (Valley Street)
D.O.T.	Condemnation of Carolyn Jones property (Valley Street)

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - MAY 9-15, 1982 - SENIOR CENTER WEEK

Vice-Mayor Price proclaimed the week of May 9-15, 1982, as "Senior Center Week" in the City of Asheville.

PROCLAMATION - JUNE 6-12, 1982 - MANAGEMENT WEEK

Vice-Mayor Price proclaimed the week of June 6-12, 1982, as "Management Week" in the City of Asheville.

REQUEST OF COUNCILMAN McDEVITT - PUBLIC UTILITY POLICY

Councilman McDevitt asked the City Manager if he had an opportunity to check into the status of whether or not the public utility companies, currently in agreements with the City, would be willing to adhere to the recently adopted utility policy.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Grace Pless, Chairman of the Historic Resources Commission, requested Council's approval of designating the "Albemarle Inn" at 86 Edgemont Road as historic property. She said this would be the eleventh such designation.

Mr. John Mellin, owner of the "Albemarle Inn" spoke in support of the historic designation. He said the property would be used as it has been in the past. He said the property would be upgraded.

Mr. Richard Thorton, staff of the Historic Resources Commission, said the "Albemarle Inn" is a large frame Neoclassical structure built by Dr. Carl V. Reynolds in 1906 and subsequently occupied by the Grove Park School, the Plonk School for the Arts and the Albemarle Inn. He said the "Albemarle Inn" has been listed on the National Register of Historic Places and the Historic Commission of Asheville and Buncombe County has demonstrated the historic significance of the building and property known as the "Albemarle Inn." He said tax credits would be available to the owner by this designation.

Mayor Trantham closed the public hearing at 4:14 p. m.

Since members of Council were previously furnished copies of the ordinance it was not read in its entirety.

Vice-Mayor Price moved for the adoption of Ordinance No. 1273. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1273 passed on first reading.

PUBLIC HEARING - REQUEST OF MR. MARTIN NESBITT - MOBILE HOME TO BE PLACED IN COMMERCIAL SERVICE DISTRICT - ZONING AMENDMENT

4. A public hearing was held relative to a request of Mr. Martin Nesbitt to allow a mobile home to be placed on his property (Ward 12, Sheet 13, Lot 42) which is zoned CS Commercial Service District.

Mayor Trantham opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Carl Owenby of the Planning Department said Mr. Martin Nesbitt has requested that he be allowed to place a mobile home on his property (Ward 12, Sheet 13, Lot 42) which is zoned CS Commercial Service District. He said City Council requested the Planning and Zoning Commission to review his request. He said the Planning and Zoning Commission considered the request on April 7, 1982. This would involve a wording amendment to the Zoning Ordinance to permit single mobile homes in all CS Districts. After discussion, the

Thursday - May 13, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Larry McDevitt, Gordon Myers, Joe Pless, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 6, 1982 meeting.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, the minutes of the May 6, 1982 meeting were unanimously approved as submitted.

RECOGNITION OF "THE SCRAPBOOK GANG"

2. The City Manager said Mrs. C. G. Pickard, Mrs. Helen Allison, Mrs. R. C. Collins, Mrs. Rosa Low, and Mrs. Frances Elliott are members of the "Scrapbook Gang." He said these individuals have been dedicating their time and efforts in making the yearly scrapbook of the City of Asheville and are celebrating their 6th anniversary of providing this volunteer service to the City. He showed members of Council an example of the yearly scrapbook.

In recognition of the volunteers work the City Manager presented each member with a corsage. He said Mrs. Mary Blackstock was a member of the "Scrapbook Gang" but had to quit and is now in the Aston Park Convalescent Center. He said a flower arrangement was sent to Mrs. Blackstock for her efforts in the yearly scrapbook.

PUBLIC HEARING - DESIGNATION OF "ALBEMARLE INN" - 86 EDMONT ROAD AS HISTORIC PROPERTY

ORDINANCE NO. 1273 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS THE "ALBEMARLE INN" AT 86 EDMONT ROAD AS HISTORIC PROPERTY. THE "ALBEMARLE INN" IS CURRENTLY OWNED BY JOHN A. AND ROSINA MELLIN

3. A public hearing was held relative to an ordinance designating a building and property known as the "Albemarle Inn" at 86 Edgemont Road as Historic property.

Mayor Trantham opened the public hearing at 4:08 p. m.

J. E. Johnson, Director of Inspections Division, said it has been determined that 230 Cumberland Avenue is unfit for human habitation, unsafe and dangerous to life. He said due process of law has been followed leading up to consideration of an ordinance directing the Housing Officer to demolish the dwelling house. He said an inspection was made of the property on May 13, 1982 at 10:30 a. m. and four (4) junk cars were remaining on the property, the grass had been mowed, some debris removed, some painting had been done and one window replaced. He suggested that Council pass the demolition on first reading.

William McCanless, owner of 230 Cumberland Avenue, spoke in opposition to the ordinance. He made a lengthy presentation showing his interest in rehabilitating and restoring the dwelling. He said the entire roof had been replaced, all but one junk car had been removed, and the house is being painted. He said the house had been vacant since 1977 and taxes have been paid up to 1979. He said he plans to restore the dwelling for an Arts School.

Upon inquiry of Mayor Trantham, Mr. Johnson said in his opinion it would cost \$50,000 to restore the dwelling. Mr. McCanless replied that he had the money to restore the dwelling.

Mr. Ralph Bishop spoke in opposition to directing the Housing Officer to demolish the dwelling.

Mayor Trantham closed the public hearing at 5:16 p. m.

Vice-Mayor Price moved to allow Mr. McCanless sixty (60) days to remove the junk and debris from around the dwelling and thirty (30) additional days to bring the house into compliance with the Housing Code of the City of Asheville. She further directed that Mr. Johnson, Director of Inspections, report to Council every 30 days what progress is being made to restore the dwelling at 230 Cumberland Avenue. This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE NO. 1271 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Beaverdam Road)

6. Consideration was given to the second reading of Ordinance No. 1271, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, rezoning property on Beaverdam Road.

At the request of Councilman McDevitt, the City Manager read the following letter:

659 Kimberly Avenue
Asheville, N. C. 28804

City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Planning and Zoning Commission voted to recommend that the wording change not be adopted since it was not advisable to permit single mobile homes in the CS District since it does not currently permit any residences. Mr. Nesbitt was notified by registered mail of the Planning and Zoning Commission's recommendation and his right to appeal. On April 20, 1982, a letter was received from Mr. Nesbitt appealing Planning and Zoning Commission's recommendation.

By the use of a map, Mr. Ownbey reviewed the location of the property in question.

Mr. Martin Nesbitt, Attorney representing Mrs. Martin Nesbitt, owner of the property, spoke in support of the wording amendment allowing a mobile home to be placed on this property. He said this particular property does not have anything to do with Commercial Service.

A discussion was held relative to the mobile homes that are presently in the location. Mr. Ownbey said the mobile homes that are in the area are under the "grandfather clause" and were placed there prior to the adoption of the ordinance.

Council members expressed concern about amending the zoning ordinance to allow mobile homes in all Commercial Service Districts.

Vice-Mayor Price said she could not support an amendment to the Zoning Ordinance but could consider rezoning this particular area R-5 Residential District which would permit mobile homes.

Marvin Pope, attorney representing prospective owners of the lot, spoke in support of either amending the zoning ordinance to allow the placement of the mobile home or the rezoning of the lot to R-5 Residential District.

Mayor Trantham closed the public hearing at 4:38 p.m.

Councilman Myers moved to remand the request of Mr. Martin Nesbitt to allow a mobile home to be placed on Ward 12, Sheet 13, Lot 42 to the Planning and Zoning Commission to investigate the feasibility of rezoning the lot to R-5 Residential District. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING - DEMOLITION OF DWELLING HOUSE KNOWN AS 230 CUMBERLAND AVENUE

5. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Cumberland Avenue.

Mayor Trantham opened the public hearing at 4:43 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Councilman McDevitt said he had some concerns about rezoning the YMCA property without the YMCA having some plans for the property. He said he was concerned that Council should not rezone property just to make it more valuable.

On a roll call vote of 6-0, Ordinance No. 1271 passed on second reading.

ORDINANCE NO. 1272 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Property on Haywood Road)

7. Consideration was given to the second reading of Ordinance No. 1272, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended rezoning property on Haywood Road.

On a roll call vote of 6-0, Ordinance No. 1272 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1272. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1272 passed on third and final reading.

Complete text of Ordinance No. 1272 will be found in Ordinance Book No. 9 at page 329.

BUDGET AMENDMENT - GENERAL CAPITAL PROJECT (Rear Entrance Ramp Project)
REVENUE SHARING FUND (funding for 7th floor window replacement project)

8. Consideration was given to a motion approving a budget amending amending the City of Asheville General Capital Project Budget and Revenue Sharing Budget as follows:

- A. General Capital Project - This amendment in the amount of \$4,500 is to increase the Capital Project budget for the Rear Entrance Ramp Project to add installation of fuel tank, advertising of bids for project and testing of work as completed which were not included in the original budget.
- B. Revenue Sharing Fund - This budget amendment is transferring \$5,000 from Capital Outlay Buildings - Data Processing to Capital Outlay Buildings - Facility Services to provide additional funding for the 7th floor window replacement project.

*The City Manager noted that these funds would cover plastering work to be done around the windows which was anticipated being done by City forces. He said the contractor was moving too fast for city forces. He said as requested by Council he contacted the Asheville City Schools to see if they could do the plastering and found that the students were not skilled in this type work.

Dear Councilmembers:

We wish to formally protest the rezoning of Lots 11, 12, and 13, Sheet 24, Ward 9, from R-1 Residential to R-2 Residential. Rezoning merely to satisfy the desires of certain individuals or small groups seems unjust.

The current traffic on Kimberly Avenue is already jeopardizing the character of one of the city's finest streets and neighborhoods. The increased traffic that could be caused by multiple-family housing at the head of Kimberly would further aggravate this problem.

Please advise if we can provide additional information or comment.

Sincerely,

Joseph J. Kater

Mary H. Kater

Vice-Mayor Price commented that a condominium complex would cause less traffic on Kimberly than a recreation area. She said if a large development is planned for the property it would be required to go through the group development process where all these concerns could be addressed.

Upon inquiry of Mayor Trantham, the City Manager said two other protests have been filed.

Richard Wood, Attorney representing Colonel Wolfson, said negotiations are taking place for the acquisition of a portion of the Wolfson property for condominium construction. He said it was his understanding that the "20% protest rule" is in effect due to a protest of Mr. Nichols, whose property adjoins Colonel Wolfson. He pointed out that Mr. Nichols has not appeared before Council to express a protest. He said a mountain separates the Wolfson and Nichols property, therefore any construction on the Wolfson property should not interfere with the Nichols property. He said the Wolfson property fronts only a short distance on Kimberly and any access to the site would probably be from Beaverdam Road which would have no impact on the traffic on Kimberly Avenue. He said the proposed condominium complex would enhance the tax base of the City of Asheville by \$5 million.

John Abbott, with the Properties Committee of the YMCA spoke in support of the rezoning. He said, at present, the YMCA does not have any plans for their property. He said the rezoning would make the property more valuable.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, said this resolution will authorize him to employ Sutton-Kennerly and Associates, a structural engineering firm, as consultants for the Recreation Park Pool on an hourly basis with the total cost not to exceed \$1,000. He said there is a need to replace a portion of the bottom of the Recreation Park Pool in order to make the pool operable for the 1982 season and there is evidence of possible structural problems in the pool.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-78 was unanimously adopted.

Complete text of Resolution No. 82-78 will be found in Resolution Book No. 13 at page 216.

RESOLUTION NO. 82-79 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL (Reappointment of Mrs. Pat Williams)

Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution which reappointed Mrs. Pat Williams.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-79 was unanimously adopted.

Complete text of Resolution No. 82-79 will be found in Resolution Book No. 13 at page 217.

RESOLUTION NO. 82-80 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL (Reappointment of Rev. W. A. Easom)

Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution which reappointed Rev. W. A. Easom.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-80 was unanimously adopted.

Complete text of Resolution No. 82-80 will be found in Resolution Book No. 13 at page 218.

The City Manager presented the budget amendments.

Vice-Mayor Price moved to approve the budget amendments as presented by the City Manager. This motion was seconded by Councilman Pless and carried unanimously.

COMMENTS BY MAYOR TRANTHAM- TAX RATE FOR 1982-83

Mayor Trantham said Council is anticipating a 66¢ tax rate for the 1982-83 City of Asheville budget. He said that amount would come within 12-1/2¢ of cutting the present tax rate of \$1.07 in half. He said this year 1¢ on the tax rate will bring \$126,214, with last year being \$73,872.

Councilman Myers said even at a 66¢ tax rate there would still be a 30% increase in taxes and he was concerned with those figures. He said he personally would like to see the 66¢ tax rate come down further.

PROCLAMATION - MAY 23-29, 1982 - PUBLIC WORKS WEEK

Mayor Trantham proclaimed the week of May 23-29, 1982 as Public Works Week.

CLAIMS - SALLIE RUSTIN - HAROLD THOMPSON - MILDRED ROGERS

The City Manager presented claims received from Sallie Rustin, Harold Thompson, and Mildred Rogers.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 82-77 - RESOLUTION AUTHORIZING MAYOR TO SIGN CONSENT JUDGEMENT ON BEHALF OF THE CITY OF ASHEVILLE (Virginia W. York)

Consideration was given to a resolution authorizing Mayor to sign consent judgement on behalf of the City of Asheville relative to an action in the Superior Court of Buncombe County entitled Department of Transportation, plaintiff, vs. Virginia W. York; County of Buncombe; and City of Asheville, defendants.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, Resolution No. 82-77 was unanimously adopted.

Complete text of Resolution No. 82-77 will be found in Resolution Book No. 13 at page 215.

RESOLUTION NO. 82-78 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO SECURE CONSULTANT ASSISTANCE FOR RECREATION PARK SWIMMING POOL

Consideration was given to a resolution authorizing the Director of Parks and Recreation to secure consultant assistance for Recreation Park Swimming Pool.

Thursday - May 20, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Larry McDevitt, and H. C. Wilkes, Corporation Counsel William C. Moore, City Manager Ken Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gordon Myers

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 13, 1982, meeting.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, the minutes of the May 13, 1982, meeting were unanimously approved as submitted.

ORDINANCE NO. 1271 - "AN ORDINANCE AMENDING ORDINANCE NO. 322, 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE' AS AMENDED" (PROPERTY ON BEAVERDAM ROAD)

2. Councilman Wilkes moved to table action on Ordinance No. 1271 until June 3, 1982. This motion was seconded by Councilman Pless and carried unanimously.

PUBLIC HEARING - PROPOSED USE OF REVENUE SHARING FUNDS FOR FISCAL YEAR 1982-83

3. A public hearing was held relative to the proposed use of Revenue Sharing Funds to be received by the City of Asheville for Fiscal Year 1982/83.

Mayor Trantham opened the public hearing at 4:04 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Bob Wurst, Budget Director, said Revenue Sharing guidelines require that a public hearing be held on the proposed use of revenue sharing funds. He presented Council with the following proposed uses:

RESOLUTION NO. 82-81 - RESOLUTION APPOINTING MEMBER TO THE ADULT
ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL
(Appointment of Ms. Joyce Franklin)

Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution appointing Mrs. Joyce Franklin.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-81 passed on a voice vote of 6-1, with Councilman Pless voting "no."

Complete text of Resolution No. 82-81 will be found in Resolution Book No. 13 at page 219.

RESOLUTION NO. 82-82 - RESOLUTION APPOINTING MEMBER TO THE ADULT
ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL
(Appointment of Mr. Dick Cullom)

Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution appointing Mr. Dick Cullom.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-82 passed on a voice vote of 6-1, with Councilman Pless voting "no."

Complete text of Resolution No. 82-82 will be found in Resolution Book No. 13 at page 220.

Councilman Pless said he did not feel that a news media representative should be on a committee. He said they should be able to look at things objectively and they might not do that as a member of a committee.

PROCLAMATION - MAY 18-19, 1982 - LEADERSHIP DAYS FOR WOMEN TO MATCH
THE MOUNTAINS

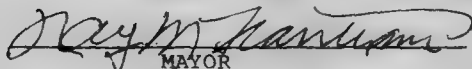
Mayor Trantham proclaimed May 18-19, 1982 as Leadership Days for Women to Match the Mountains.

RALPH BISHOP - COMMENTS RELATIVE TO OLD PACK LIBRARY BUILDING

Ralph Bishop made comments relative to his opposition to the restoring of the Old Pack Library Building.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:00 p. m.


MAYOR


CITY CLERK

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 1109, KNOWN AS "AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY"

ORDINANCE NO. 1274 - AN ORDINANCE AMENDING ORDINANCE NO. 1109, KNOWN AS "AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY"

4. A public hearing was held relative to amending Ordinance No. 1109, known as "An Ordinance Creating the Historic Resources Commission of Asheville and Buncombe County."

Mayor Trantham opened the public hearing at 4:10 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said Council established a Historic Resources Commission by Ordinance No. 1109. He said since the adoption of the ordinance the North Carolina General Assembly has made several changes. He said the proposed changes will be consistent with current North Carolina General Statutes. He summarized the proposed changes to amend Ordinance No. 1109.

Councilman Wilkes expressed concern about the 180 day waiting period before demolition of a dwelling in the historic districts. He said he felt there should be reasonable justification to leave a dwelling standing for 180 days.

Councilman McDevitt questioned language in the proposed ordinance dealing with doors and windows. He said that could be construed as being a part of the interior of a dwelling which the Historic Resources Commission has no control over.

After discussion Mr. Emrick told members of Council that he would look into the concerns of Councilman McDevitt relative to doors and windows being included in the ordinance.

Mayor Trantham closed the public hearing at 4:20 P.M.

Verl Emrick read the proposed ordinance.

Councilman McDevitt moved for the adoption of Ordinance No. 1274. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1274 passed on first reading.

ORDINANCE NO. 1273 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS THE "ALBEMARLE INN" AT 86 EDMONT ROAD AS HISTORIC PROPERTY - THE "ALBEMARLE INN" IS CURRENTLY OWNED BY JOHN A. AND ROSINA MELLIN

5. Consideration was given to the second reading of Ordinance No.

City of Asheville
Fiscal 1982/83
General Revenue Sharing Funds
Proposed Use

<u>Revenues</u>	<u>Amount</u>
Federal Government Grant	\$1,278,401
Fund Balance carried forward	819,751
Investment earnings	75,000
Total	<u>\$2,173,152</u>

<u>Appropriation</u>	<u>Amount</u>
Close out of worker's compensation claims	76,100
Street Division - I-240 Right-of-way	150,000

Capital Replacements

<u>Department/Division</u>	<u>Item</u>	
Non-Departmental	General Fund items less than \$1,000	27,754
Civic Center	Civic Center Roof Renovation	45,000
Public Works	Communications Replacement Program	6,000
Streets	Bridge Renovation	370,000
Streets	Street Paving	1,000,000
Streets	Street Signs	33,000
Sanitation	2 Rear Packer Loaders	150,000
Employee Safety & Dev.	Communication Replacement Program	8,000
Police	Replacement 12 vehicles	126,000
Police	Communication Replacement Program	24,000
Fire	Equipment	150,000
Fire	Communication Replacement Program	7,298
Total		<u>\$2,173,152</u>

Mr. Ralph Bishop ask members of Council why the Depot Street repaving could not be under revenue sharing.

Councilman Wilkes informed Mr. Bishop that bids for the repaving of Depot Street would be received on June 1, 1982.

Mayor Trantham closed the public hearing at 4:09 P.M.

The City Manager noted that the proposed uses of General Revenue Sharing Funds do not imply action but are only recommendations.

APPROVAL OF SALE OF DISPOSAL PARCEL #202 - EAST RIVERSIDE RENEWAL PROJECT

8. Consideration was given to a motion approving the sale of disposal parcel #202 in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bid for a disposal parcel in the East Riverside Renewal Project.

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
202	Residential	\$1,800	\$1,800	Vivian Steward

Parcel #202 is located on South French Broad Avenue. The redeveloper is proposing to construct a single-family residence at an estimated cost of \$60,000. This lot is under the Community Development Housing Incentive Program (Dollar-A-Lot Program).

Councilwoman Frank moved to approve the sale of disposal parcel #202 in the East Riverside Renewal Project as recommended by the Housing Authority. This motion was seconded by Councilman Wilkes and carried unanimously.

RESOLUTION NO. 82-83 - RESOLUTION AUTHORIZING THE DIRECTOR OF WATER AND SEWER SERVICES TO DISPOSE OF SURPLUS PROPERTY

9. Consideration was given to a resolution authorizing the Director of Water and Sewer Services to dispose of surplus property.

The City Manager read the resolution stating that this resolution will authorize the Director of Water and Sewer Services to dispose of fourteen (14) sheep presently located at Bee Tree Reservoir at the Western Carolina Livestock Market, Inc., public auction.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-83 was unanimously adopted.

Complete text of Resolution No. 82-83 will be found in Resolution Book No. 13 at page 221.

RESOLUTION NO. 82-84 - RESOLUTION ESTABLISHING PROCEDURES AND GUIDELINES FOR THE ADMINISTRATION AND MAINTENANCE OF CITY EMPLOYEES PERSONNEL RECORDS

10. Consideration was given to a resolution establishing procedures and guidelines for the administration and maintenance of city employees personnel records.

The City Manager read the resolution which stated this resolution will adopt an administrative policy establishing procedures and guidelines for the administration and maintenance of city employees personnel records in accordance with North Carolina General Statute 160A-168. All information

1273, "An Ordinance Designating a Building and Property Known as the "Albemarle Inn" at 86 Edgemont Road as Historic Property - the "Albemarle Inn" is currently owned by John A. and Rosina Mellin.

Mayor Trantham stated that this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1273 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1273. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1273 passed on third and final reading.

Complete text of Ordinance No. 1273 will be found in Ordinance Book No. 9 at page 330-331.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL FUND - PARTICIPATION WITH CAROLINA POWER AND LIGHT COMPANY FOR WIRING UNDERGROUND ON COLLEGE STREET

6. Consideration was given to a motion approving a budget amendment amending the City of Asheville General Fund as follows:

- A. General Fund - This budget amendment in the amount of \$10,000 is to provide funding to participate with Carolina Power and Light Company to place remaining wiring underground on College Street.

The City Manager presented the budget amendment.

Councilman McDevitt moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman Pless and carried unanimously.

BIDS - 18 AND 15 INCH PVC PIPE FOR THE STREET DIVISION

7. Consideration was given to bids received May 10, 1982, for 18 and 15 inch PVC Pipe for the Street Division.

The City Manager said five bids were received. After reviewing the bids, Clark Brown, Director of Public Works, and Mike Evans, Street Superintendent, recommend to award the bid to the low bidder, Silverman Company, in the amount of \$16,410. Sufficient funds are available in the Public Works - Street Division materials appropriations.

Councilman Wilkes moved to award the bid to the low bidders, Silverman Company in the amount of \$16,410. This motion was seconded by Councilwoman Frank and carried unanimously.

Upon inquiry of Councilman McDevitt, the City Manager said the pipe would be used in the Valley Street/Beaumont area.

Mayor Trantham presented the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - REQUEST OF RECORDS RELATIVE TO DISABILITY RETIREMENT BENEFITS FOR J. C. HALL

Mr. Bishop asked who was in charge of the records for police disability retirement benefits, particularly those of former Police Chief J. C. Hall.

The Corporation Counsel advised Mr. Bishop to write to the Board of Trustees of the Policemen's Pension and Disability Fund requesting what information he wanted to review.

ADJOURNMENT

Upon motion the meeting adjourned at 5:00 P.M.


MAYOR


CITY CLERK

contained in City employee personnel files, maintained by the City of Asheville is confidential, except information considered to be a matter of public record. The following information is a matter of public record: 1) Name; 2) Age; 3) Date of original employment; 4) Current title; 5) Duties performed; 6) Salary; 7) Date and amount of most recent increase; 8) Office to which currently assigned; 9) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification. This resolution will establish rules and regulations for inspecting, examining, and copying personnel information which is a matter of public record.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-84 was unanimously adopted.

Complete text of Resolution No. 82-84 will be found in Resolution Book No. 13 at page 222.

RESOLUTION 82-85 - RESOLUTION AUTHORIZING THE CLOSING OF CAROLINA LANE ON SATURDAY, MAY 22, 1982, FROM 8:00 P.M. TO 1:00 A.M.

Consideration was given to a resolution authorizing the closing of Carolina Lane on Saturday, May 22, 1982, from 8:00 P.M. to 1:00 A.M.

The Corporation Counsel read the resolution stating that the Lexington Park Association has requested that Carolina Lane be closed on Saturday, May 22, 1982, from 8:00 P.M. to 1:00 A.M. for the purpose of a "Tams" concert to be held in the Lexington Park Courtyard during this time.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-85 was unanimously adopted.

Complete text of Resolution No. 82-85 will be found in Resolution Book No. 13 at page 223.

RESOLUTION NO. 82-86 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY (MR. WILLIAM F. WOLCOTT, JR.) (MR. RICHARD L. HABER)

Consideration was given to a resolution appointing members to the Asheville Regional Airport Authority.

The Corporation Counsel read the resolution stating this would reappoint Mr. William F. Wolcott, Jr., and Mr. Richard L. Haber as members of the Asheville Regional Airport Authority for a term of four years.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-86 was unanimously adopted.

Complete text of Resolution No. 82-86 will be found in Resolution Book no. 13 at page 224.

CLAIMS - ERIK BOTTOMS (FIRE) - MS. THOMAS COX (WATER & SEWER) - LINDA WOODWARD (WATER & SEWER)

The City Manager presented claims received from Erik Bottoms, Ms. Thomas Cox, and Linda Woodward.

MEMORANDUM TO: Ken Michalove, City Manager

FROM: John P. Miall, Jr., Administrative Supervisor
Employee Development/Safety Division

DATE: May 27, 1982

SUBJECT: Investigation - Possible Death of Asheville Firefighter
Raymond Joseph Flowers

At approximately 10:16 p.m., on Wednesday, May 26, 1982, Asheville Fire Department responded to an alarm at the West Asheville Baptist Church on Haywood Road in West Asheville. At approximately 10:30 p.m., six firefighters entered the church building to determine the extent of the fire and to locate any persons within the building. Finding none in the building, they began to leave at approximately 11:00 p.m. at which time the ceiling and roof structure in the foyer in the front of the church began to collapse.

Five of the six firefighters who originally entered the building were able to exit despite of the cave in, leaving one firefighter unaccounted for.

Rescue efforts commenced immediately and continue at the present time in an effort to locate Firefighter Flowers. At the present time, a crane with a special clam bucket has been requested from Perry Alexander Construction Company and is in route to the church site from Morganton, North Carolina. Said crane should arrive at approximately 12:00 Noon today.

I will advise you of any additional facts or information as they become available.

PUBLIC HEARING - CLOSING OF A PORTION OF EAST HAYWOOD STREET

RESOLUTION NO. 82-87 - RESOLUTION CLOSING A PORTION OF EAST HAYWOOD STREET (ALSO KNOWN AS OLD HAYWOOD ROAD) BETWEEN CLINGMAN AVENUE AND PARK AVENUE

3. A public hearing was held relative to the closing of a portion of East Haywood Street (also known as Old Haywood Road) between Clingman Avenue and Park Avenue.

Mayor Trantham opened the public hearing at 4:08 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication. He also presented an affidavit signed by Douglas O. Thigpen stating he posted a copy of the resolution of intent to close said street in two places along East Haywood Street and copies of the resolution of intent were mailed to adjoining property owners pursuant to North Carolina General Statutes.

Attorney Richard Wood spoke in support of the closing of a portion of East Haywood Street. He said all of the property owners facing on the portion proposed to be closed has joined in a petition to close said street. He said the construction of the new West Asheville bridge caused East Haywood Street to be abandoned. He also presented correspondence from the North Carolina Department of Transportation stating that they had also abandoned this portion of East Haywood Street.

Thursday - May 27, 1982 - 4:00 P.M.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers, Corporation Counsel William C. Moore, City Manager Ken Michalove, City Clerk/Associate City Manager William F. Wolcott, Jr.

Absent: Councilwoman Mary Lloyd Frank

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 20, 1982, meeting.

Upon motion of Councilman Wilkes, seconded by Councilman Pless, the minutes of the May 20, 1982, meeting were unanimously approved as submitted.

RESOLUTION NO. 82-88 - RESOLUTION OF APPRECIATION AND COMMENDATION OF JOHN C. GARDNER

2. Consideration was given to a resolution of appreciation and commendation of John C. Gardner.

Councilman Larry McDevitt read the resolution which stated that John C. Gardner has served the City of Asheville Water Department through his tenure with the City since April 5, 1963. On May 1, 1982, Mr. Gardner retired from the City of Asheville as Water Section Supervisor, Maintenance Division of the Water and Sewer Services Department.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-88 was unanimously adopted.

Complete text of Resolution No. 82-88 will be found in Resolution Book No. 13 at page 227.

STATUS REPORT - FIRE AT WEST ASHEVILLE BAPTIST CHURCH ON MAY 26, 1982

The City Manager read the following status report relative to the fire at West Asheville Baptist Church on May 26, 1982:

Vice-Mayor Price moved for the adoption of Ordinance No. 1275. This motion was seconded by Councilman Wilkes.

On a roll call vote of 6-0, Ordinance No. 1275 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1275. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1275 passed on second reading.

PRESENTATION OF THE 1982-83 BUDGET - PUBLIC HEARING SCHEDULED FOR JUNE 10, 1982

5. Mr. Bob Wurst, Budget Director, presented members of Council with the proposed budget and a detailed line item budget for 1982-83.

The City Manager read the following budget message:

May 27, 1982

The Honorable Mayor and
Members of City Council
City of Asheville
Post Office Box 7148
Asheville, North Carolina 28807

Dear Mayor and Members of Council:

Submitted herewith are the budget estimates for Fiscal Year 1982-83, which begins July 1, 1982. The budget was prepared according to the provisions of the Local Government Budget and Fiscal Control Act, as amended.

In accordance with this act, a copy of the budget will be filed in the office of the City Clerk, "where it shall remain available for public inspection until the budget ordinance is adopted." The act also requires that the City Clerk publish a statement that the budget has been submitted to the governing board and is available for public inspection in his office. The statement shall also give notice of the time and place of a required public hearing. As a matter of local practice, the budget ordinance is read three times before adoption. The law requires that it be adopted "not earlier than ten days after the budget is presented to the board and not later than July 1." Changes may be made in the budget at any of the three readings, and with the exception of the tax rate any other budget item may be changed by ordinance amendment anytime during the fiscal year.

THE CITY ORGANIZATIONAL AND SERVICE DELIVERY SYSTEM

In order to give you and the public a mental image of the size and complexity of our operations, the following is a brief summary.

He said the petitioners propose to install a fence on this portion of the street to be closed to keep unwanted vehicles out of their businesses.

Mayor Trantham closed the public hearing at 4:18 P.M.

The Corporation Counsel read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-87 was unanimously adopted.

Complete text of Resolution No. 82-87 will be found in Resolution Book No. 13 at page 225-226.

PUBLIC HEARING - INCLUDING PROPERTY KNOWN AS THE "WILLIAMS-McQUEEN HOUSE" AT 105 GUDGER STREET IN THE MONTFORD LOCAL HISTORIC DISTRICT

ORDINANCE NO. 1275 - AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS THE "MONTFORD HISTORIC DISTRICT" (NO. 1195) TO INCLUDE PROPERTY KNOWN AS "THE WILLIAMS-McQUEEN HOUSE AT 105 GUDGER STREET IN THE MONTFORD LOCAL HISTORIC DISTRICT. THE PROPERTY IS CURRENTLY OWNED BY MR. AND MRS. H. C. McQUEEN

4. A public hearing was held relative to the adoption of an ordinance to include property known as the "Williams-McQueen House" at 105 Gudger Street in the Montford Local Historic District.

Mayor Trantham opened the public hearing at 4:22 P.M.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Richard Thornton, of the Planning Department, said when originally designated, the boundaries of the Montford Local Historic District were made to conform to the boundaries of the Montford National Historic District and for undetermined reasons the Williams-McQueen House at 105 Gudger Street was not included within the original boundaries of either the Montford National or Local Historic Districts. The Historic Resources Commission of Asheville and Buncombe County has determined that the "Williams-McQueen House" is significant in the history of Asheville's black community and was an original parcel in the Arborvale Subdivision; the majority of which is now within the Montford Local Historic District.

Mr. Thornton said this designation was being made at the request of the property owners. He said they will receive a 25% tax break on any rehabilitation done to the house and any rehabilitation would be subject to review by the Historic Resources Commission and the issuance of a Certificate of Appropriateness.

Mayor Trantham closed the public hearing at 4:25 P.M.

The City Manager noted that Council members had previously been furnished copies of the ordinance and therefore it would not be read in its entirety.

4. We have 706 full time employees excluding the Water and Sewer Services Department and a large number of part time employees. (Part-time employees generally are hired as needed for special functions such as Civic Center ushers, summer workers in parks, laborers for leaf and brush services and summer street and right-of-way cleaning in the Street Division).
5. We maintain over 660 acres in 37 different parks.
6. It costs \$892,979 annually just for street lights.
7. We answer over 2,800 Fire Department calls per year.
8. We answer over 65,000 Police Department calls per year.
9. We pick up over 40,000 tons of garbage per year.
10. We serve over 30,000 water customers and supply 20,000,000 gallons of water per day.
11. We serve over 600,000 annual recreation participants per year.
12. We serve at least 435,000 annual participants at the Civic Center per year.

SOME MAJOR EXAMPLES OF BUDGETARY MATTERS AFFECTED BY PREVIOUS MANAGEMENT/COUNCIL DECISIONS

There are certain realities over which we have no control. The budget process for Fiscal Year 1982-83 really began years ago with the decisions made then. Our status at this point in time reflects the policy and administrative decisions of this and previous city councils, city managers, federal and state law and the attitudes and desires of the general public. This simply means that there are numerous activities in which we are now involved which we had no say in establishing, but which we now have an obligation to continue. To dwell on whether those past decisions were good or bad would not be fruitful, but we should be aware of these decisions and their impact when making future fiscal and management plans. Remember, this budget generally reflects a time span of twelve months, but the final decisions we make this year will again perpetuate policy and administrative direction far into the future. Some examples of major budgetary matters affected by previous management/council decisions are as follows:

1. 1939 Police/Fire Pension Plans - In Fiscal Year 1976-77 the City Council took a giant step forward by freezing these plans to current membership and beginning actuarial funding of the Police/Fire Pension Plans started in 1939. Up to that time, the funding had been on a "pay-as-you-go" basis, which did not materially affect the budget while employees were young and able. However, we were arriving at a point when the employees were reaching retirement age and disabilities were increasing, and the "pay-as-you-go" system would soon have put the city into a position of using very large amounts of

The Asheville City Government is a large diversified enterprise that provides services not only to residents of the City of Asheville, but to all of Western North Carolina.

We are a council/manager form of government with seven council members elected at large by the public every two years. The mayor is elected by the council and the council selects the city manager, the city clerk and the city attorney. The general division of responsibilities is that the council sets the policies for the city and the manager carries out the policies through day to day operations.

These day to day operations are carried out in a decentralized manner through the city departments, boards, commissions and committees. The departmental organizational structure is divided into two basic functions. 1) Those departments that provide direct operating services to the public - such as Police, Fire, Water/Sewer, Public Works, Civic Center, and Parks and Recreation. 2) Those departments that provide direct support service to operating departments and to the city council, boards, commissions and committees to assure compliance with local, state and federal laws and sound management practice - these include Finance, Employee Services, Administration, Planning, Community Development and Economic Development.

Through the establishment of the Asheville Airport Authority and signing of the Asheville-Buncombe Water Agreement, the city council and the operating functions of the city staff are moving away from the city's former role of providing services beyond the corporate limits of the city and more to providing direct services within the corporate limits. However, there are several functions that still remain that are broader in scope than just the corporate limits and which, to some extent, serve beyond the city limits. Some of these services include zoning, leisure time/recreation, water, staff assistance to other municipalities and counties, mass transit, community relations, Rescue Squad, Data Processing, Civic Center, Planning, Economic Development, Police, and Fire.

There are five enterprise and/or intergovernmental service functions that operate from charges for services to city departments and/or the public. These are the Water Department, the Motor Transport Division, the Print Shop Division, the Engineering Division and the Data Processing Division.

The following are some basic statistics about the city which are important to budgetary considerations:

1. Our municipal service area is approximately 25 square miles; (this will increase 2.3 square miles when the annexation for Chunn's Cove, Patton Avenue, and Sweeten Creek Road are approved.)
2. We have over 400 miles of streets.
3. We serve over 54,000 people in over 28,000 dwellings and businesses, 24 hours a day, 7 days a week.

For the past two years the status of federal grant programs has been changing or has been eliminated. The city has used federal funds for a variety of improvements thus eliminating the need for bond issues and numerous ad valorem tax increases for these needed improvements. If the trend for funding federal grant programs continues, the burden will shift to the city to provide funds for these purposes. The average city resident does not realize the millions of dollars in federal funds that have gone to make basic improvements to streets, sidewalks, water, sewer, fire, recreation and other basic services which were not funded by ad valorem taxes.

3. Asheville Transit Authority - The City of Asheville assumed the operation of the bus system in 1967. Through federal grants and a bond issue, we acquired a new building and new buses. From 1967 to 1970 our losses were zero. In 1982-83 our gross loss is estimated to be \$913,636. However, to help offset this loss, operational subsidies are available through a federal grant program to subsidize one-half of our operating loss. In fiscal 1982-83 this subsidy is estimated to be \$480,861. In 1978 the City Council increased the fee for city stickers

from \$1.00 to \$5.00 which will generate \$165,000; thus we will still have a net loss of \$267,775.

In addition, we submitted an application to the federal and state governments to replace 10 buses in 1974. The price per bus was \$41,233 at that time.

We finally received the buses in 1982 at an average cost of \$83,518 each.

The 1982-83 proposed budget is a 5% reduction from the 1981-82 budget and we can expect that the Transit Authority will have to consider a fare increase. It should also be noted that the federal government is planning to phase out the operating assistance program and that there is currently no provision for replacement of other buses, equipment and facilities.

4. Governmental and Non-profit Organizations - Many governmental and non-profit organizations have chosen to locate inside the Asheville city limits because of the services the city provides at no expense to those agencies since they are tax exempt. On the other hand, tax paying residential and business development is primarily taking place outside the city limits. The loss in ad valorem tax from tax exempt properties is over \$600,000/year.
5. Annexation Moratorium and Proposed Annexation - For more than four years, the City was under a local annexation moratorium imposed by the General Assembly. This moratorium denied the city the opportunity to annex urbanized unincorporated areas of the county which were developed and have prospered due in large

operating money to fund the retirement benefits. It was a courageous and fiscally responsible action that City Council took in recognizing the need to provide actuarial funding for these retirement programs, to assure the employees of their benefits, and to save future administrations the disproportionate costs inherent in "pay-as-you-go" funding.

The status of these plans at this time is:

- a) Effective January 1, 1979, the employees and beneficiaries of the Fire Plan voted to change their retirement program to the North Carolina Local Governmental Employees Retirement System (LGERS).
 - b) The definitions of "disability" and "retirement age" in the 1939 Police Plan were changed by the 1979 General Assembly.
 - c) The active and retired members of the 1939 Police Pension Plan voted in 1978 not to transfer their membership to LGERS or the Law Enforcement Officers Benefit and Retirement Fund (LEOBRF).
 - d) The Fiscal 1982-83 actuarial funding requirement of the 1939 Plan is approximately \$687,483 for about 93 active employees, which works out to a cost per employee of \$7,392, while the pension cost for all other city employees is \$922,076, which works out to approximately \$1,514 per employee.
 - e) Had the 1939 Police Pension been funded since inception with employer contributions according to the original provisions of the plan, the current costs would not be so disproportionate with other plans.
2. Use of Federal Funds - (Model Cities, Community Development, Bureau of Outdoor Recreation, Urban Renewal, ARC, EDA, LEAA, etc.) These funds have improved materially the quality of life in our city and slowed considerably the physical decay in numerous blighted areas that we would probably never have been able to improve otherwise.

In the area of recreation projects alone, while we were able to upgrade many existing parks which had not been adequately maintained, we also added new facilities which have added at least \$500,000 in continuing annual operational expense to support the facilities constructed with these funds. Examples are the Senior Opportunity Center, Shiloh Recreation Center, Montford Recreation Center, and Livingston Street Recreation Center. These improvements brought about an important change in our recreational services philosophy. Now, in addition to our seasonal outdoor recreation programs, we have a new emphasis on large and expensive indoor recreation centers.

Water Fund, Community Development Fund, Revenue Sharing Fund, the Capital Projects funds and the Economic Development Trust Fund.

A. General Fund

1. We will retain a \$1 million cash flow (unappropriated fund balance) - an amount equal to about two weeks operations.
2. The 1939 Police Pension obligation is funded out of the Police Department and is budgeted in the General Fund.
3. Significant facts pertaining to ad valorem tax (See Attachment A)
 - A. We have a total General Funds annual budget of approximately \$21.4 million of which only \$8.3 million comes from ad valorem tax; based on a tax base of approximately \$1.342 billion (the estimated tax base is adjusted for the octennial revaluation for 1982-83).
 - B. The budgeted ad valorem property tax of \$8,330,094 million for 1982-83 does not cover the budgeted cost of \$9,167,492 for police protection, fire protection and garbage collection for 1982-83.
 - C. The budget anticipates a reduction in the ad valorem tax rate from \$1.07 per \$100 valuation to 66¢ per \$100 valuation.
 1. The projected tax base, based on the octennial revaluation, has increased our estimated tax base from \$794,321,661 to \$1,342,697,288.
 2. Preliminary decisions of the council/manager are not to provide for an across the board pay raise. (A 5% across the board pay increase July 1 would cost \$508,258 - the equivalent of 4¢ on the tax rate).
 - D. A penny added to the tax rate for 1981-82 would yield \$74,485 and a penny on the tax rate in 1982-83 is expected to yield \$126,214.
 - E. The \$8,330,094 that the ad valorem tax will yield is equivalent to the ad valorem tax produced in 1981-82 plus our normal growth factor of 3½%. Thus we have attempted to set the tax rate as close as possible to the equivalent 1981-82 tax rate.
 - F. The collection rate for ad valorem taxes for Fiscal 1982-83 is estimated to be 94%. This is increased

part to their proximity to the City of Asheville and their access to needed city services.

This artificial restriction of Asheville's natural growth affects not only ad valorem tax receipts but also many state and federal shared revenues, since the allocation of such revenues is based on population growth, local tax effort, and the relative size and growth of our city compared to other cities and to the county. The annexation moratorium ended July 1, 1979.

6. Civic Center - The Civic Center has been and continues to be an excellent entertainment, cultural, and convention resource for all of Western North Carolina. However, the net operational cost and debt service cost to be borne directly by the city for Fiscal 1982-83 is projected to be \$788,498. This cost is net after the \$160,800 for civic arts assumed by the county as a result of the Water Agreement.
7. The lack of definite policies of previous councils and administrations regarding capital needs have led to many of our current major problems. Street paving, sidewalk construction, bridge repair and storm drainage are examples of major problems which must be financed.

FISCAL 1982-83 BUDGET CONCERNS

This has been a particularly difficult budget year. Some of the "unknowns" are as follows:

- a) Annexation status is uncertain.
- b) Revaluation and setting the tax rate is a concern.
- c) The Water Agreement has had an impact on many city activities.
- d) Economic conditions are having an affect on many city revenues and expenditures.
- e) The Cauble Suit is pending.
- f) The Charter Commission recommendations and potential merger of governmental functions is pending.

The only funds available to cover these concerns are the \$1,000,000 unappropriated fund balance in the General Fund and \$819,825 in capital reserve funds. The potential costs of items a) and e) alone could exceed the \$1,000,000 unappropriated fund balance.

BUDGET SUMMARY

This section of the budget message will provide the following information on the major components of various budgets including the General Fund,

13. We are still planning to use approximately \$1,365,000 in fund balance that will not be available next year. The effect of dropping the tax rate to 66¢ this year and using fund balance will require a 10.8¢ tax increase in 1983-84 to maintain services at the 1982-83 level.
14. The budget is still too dependent on federal funds, principally revenue sharing, for routine equipment replacement, street paving and maintenance of facilities.
15. Because of limited capital reserves we cannot do an adequate job of maintenance to streets, sidewalks, buildings, etc. In fact, at this point in the budget we are short over \$2.4 million in our projected capital needs. (See attachment D)
16. The budget plan does not adequately fund a number of known contingencies such as:
 - a) providing services to the proposed annexed areas of Chunns Cove, Sweeten Creek and Patton Avenue once the court declares the annexation valid.
 - b) the settlement of the Cauble suit.
17. Some of the unknown contingencies could be:
 - a) major tax appeals such as public utilities appeals which held up tax payments in 1978-79;
 - b) the economy - particularly if fuel and utility prices go beyond our estimates, or revenue projections fall short.
 - c) severe weather conditions.
18. Our General Fund contingency is only \$100,000.
19. Additional federal budget decisions may affect the bus system, roads, etc.
20. State budget decisions may affect roads, public works, etc.
21. In a time when revenue projections should be under estimated and operating expenses over estimated, we have tended to lean in the opposite direction.
22. We absorbed \$176,513 this year in cost and 9 staff members for engineering services formerly provided through the Water Fund.
23. We are continuing a 3-year program started in 1981-82 to reduce the Inspection Division staff from 28 to 23 and to cross train inspectors.

from previous years but is still far below the state average for large cities and counties. Each 1% increase in collection rate will yield \$88,618 in additional ad valorem revenue.

- G. The proposed 66¢/\$100 tax rate for 1982-83 is a reduction of 39% from the present rate of \$1.07/\$100. This reduction does not offset the shift in tax burden from personal to real property caused by revaluation. Many taxpayers, particularly businesses, will see a reduction in their tax burden. The typical residential homeowner that experiences an increase in real property from \$30,000 to \$69,300 because of revaluation, will experience an annual tax increase of approximately \$116.
4. There is a continuation of current fringe benefits for employees, however, there is no salary scale adjustment planned for Fiscal 1982-83.
5. We plan to prepare for the annexation of the areas of Ascension Drive, Johnston School Road and Riceville Road to be effective June 30, 1983. However, there are no revenue projections in Fiscal 1982-83.
6. In the event the county commissioners do not assume the cost of animal control we have to appropriate an additional \$45,453 for that program in the Police Department budget. This is currently not budgeted.
7. The Service and Information office will be closed on the 1st floor and the functions divided between the Water Department, the Public Works Department and the City Manager's Office.
8. We will proceed with the study of telephone service to reduce costs.
9. The primary activity that has suffered as a result of cutting departmental requests is in the area of travel and training. This on a year-to-year basis is an easy item to cut but because of the types of programs which the city employees have taken advantage of, such cuts turn out to be false economy.
10. We will proceed with implementation of changes in radio communications as recommended in the MICA study.
11. The budget continues the use of the 7th and 8th floor of the City Building by the city schools. This service has an estimated value of \$82,000 annually at no cost to the schools, except utility costs.
12. The council is continuing the provision of school crossing guards for schools in the city. This will cost \$24,084 annually.

C. Community Development Fund

1. The majority of these funds will be used to continue the East End/Valley Street project.
2. Some funds are designated for downtown development.
3. The Economic Development Department and some of the consultant services for the Economic Development Trust Fund will be funded through Community Development sources.
4. Depot Street improvements will proceed.
5. Historic Resources activities will be funded solely from Community Development in the amount of \$7,500. This funding will be transferred to and administered in the Planning Department budget.

D. Revenue Sharing Fund

The Revenue Sharing Trust Funds available for 1982-83 are estimated to be \$2,173,152. Of this amount \$1,370,000 will be appropriated for street paving and bridge work and almost \$500,000 for routine equipment replacement. The Revenue Sharing Trust Fund budget appears on page 45.

E. Economic Development Trust Fund

It has been preliminarily agreed that an Economic Development Trust Fund will be established to provide funding for various development programs as established by city council. This fund will be established by special ordinance by which council will establish the policies and procedures under which this fund will operate. Funding will be provided principally by sale of surplus city property and payment of the debt from the Water Fund. These sources should generate over \$3,000,000. The type of programs include loan subsidies to encourage private investment, and participation in the proposed move of the Art Museum.

F. Capital Improvements Fund

It is planned to increase bonded debt under the "2/3 rule" to generate approximately \$887,000 for improvements to be determined by Council. Examples would be energy conservation investments and efficiency improvements.

A new motor transport facility is planned to be financed by a long-term lease purchase and payments will be funded from savings generated by closing two older facilities and phased staff reductions. Costs not recovered through savings would be charged to user departments through increased fees.

An estimated fund balance of \$819,825 in sinking fund reserves will remain unappropriated as a contingency.

24. In several divisions, we are budgeting vacancies that we assume will occur for the length of time it takes to fill those jobs.
 25. The city will settle a majority of outstanding worker's compensation claims.
 26. Labor needs continue to be shifted to hiring for peak demands, eliminating full-time positions when vacancies occur and using part-time employees when possible.
 27. Chestnut Street Bridge will remain closed.
 28. Organization and reorganization will continue to be key elements particularly when vacancies occur. We will evaluate each position to determine if we can fill it by transferring the work to an existing, a lower, or a part-time position.
 29. We expect to complete the reorganization of the Fire Department by July 1, 1982.
 30. Two operations are on a 4-day work week in order to save energy during daylight savings time.
 31. The Police Department continues an expeditor approach to cut down on unnecessary travel.
 32. The effort in Parks and Recreation to reduce the number of full-time employees has continued and the number of such positions has been reduced for 1982-83.
 33. During 1982-83 the city will undertake a change in the accounting for the Parks and Recreation Department to separate and more clearly identify the cost of recreation as opposed to other activities which are not recreation. This will enable the council and the public to better understand the scope of activities funded through Parks and Recreation.
- B. Water Fund - While the City Council has yet to review the Water Fund budget it is assumed that the budget will contain the following:
1. Continued management through the terms of the Water Agreement.
 2. Sufficient funds to meet the obligations of annexation for Chunns Cove, Sweeten Creek Road and Patton Avenue once the court case is settled.
 3. Beginning payments toward an \$841,186 debt owed to the General Fund. Funds to be used for the Economic Development Trust Fund.
 4. Payment in lieu of tax of approximately \$862,000 or 10% of water revenues, to the General Fund.

The City of Asheville, like other segments of our society, has been adversely affected by the financial conditions and economic trends of the times. Increased cost in energy, supplies, equipment, salaries and wages and fringe benefits have occurred during a period of diminishing financial resources, and while a predominantly "hold-the-line" concept in development of the city budget was in place. Some examples of typical cost increases are as follows:

Comparison of Costs
Fiscal 1976 to 1982

	1976	1982	%
<u>C.P.I.</u>	170.5	281.5	65%
<u>Total Positions</u>	936	706	
<u>Fringe Benefits</u>			
FICA	\$278,000	\$462,446	
Pensions	360,000	1,609,563	
Group Insurance	200,000	580,445	
Cost/Employee	<u>\$ 895</u>	<u>\$ 3,757</u>	319%
<u>Operating Costs</u>			
Street Lighting	492,000	892,979	81%
Gasoline			
Avg./Gal.	\$.355	\$ 1.50	
# Gallons	512,000	400,000	
Cost	<u>\$181,760</u>	<u>\$600,000</u>	230%
<u>Capital Costs</u>			
Police Car	3,900	9,100	133%
1000 GPM Pumper	50,000	95,000	90%
Garbage Truck	35,000	71,000	103%
Street Sweeper	49,500	85,000	72%

For the past several years, various methods have been used to reduce costs and maintain an effective level of municipal services. The successes that the city has achieved are demonstrated by the city's ability to hold the increase in total cost of city government well below the C.P.I., even while adding additional services, and the fact that the ad valorem tax burden on the typical residential tax payer in the city has been reduced from 5.9% of per capita income in 1975 to only 3.3% of per capita income in 1981 (Attachment C). This has occurred while the state and federal tax burden has risen dramatically (Attachment C). Therefore, in view of the cost reductions that have already taken place over the past few years, the city is faced with limited alternatives now for further reducing expenses. Arbitrary cuts will require varying degrees of reorganization of city activities and will effect not only direct city services, but also administrative service functions as well. The reasons for this are:

1. Our organizational approach is to maximize service to the public by decentralizing service delivery through the departments of Police, Fire, Water and Sewer, Public Works, Civic

CONCLUSION

There is a general impression of government employees and government in general that there is a lot of "fat" to be cut and a lot of people that do not do any work. Well, that is not the case with the City of Asheville. We have dedicated employees throughout the ranks and I am proud of the job they are doing. And, if you examined closely where we have come from in the past five years, the list of improvements in service, productivity, and efficiency would astound you. It is primarily through the efforts of the department heads and administrative staff that we have been able to accomplish this. These people give of their own time for the betterment of the City - rarely to be thanked or congratulated for their efforts, but usually chewed on, chewed out, told to be more efficient, more productive, cut the budget and provide the same level of service. It is through the efforts of these people that we did cut \$900,000 from expenses this past year, but no one asks at what sacrifice. Their weekly hours range from 50 to 80, they lose earned annual leave, and come to work when they ought to be taking sick leave.

Sometimes they are referred to as the over-paid administrative staff, when in fact, they are borderline or underpaid for the type work for which they are responsible.

They are well known regionally, statewide, and nationally through their service on boards, committees, and commissions, and, they spurred an effort to raise over \$18,000 for United Way this past year through contributions of fellow employees, and they participate in many community activities.

I believe we have gone forward in the past five years, and we can continue to do so with reasonable approaches to budget, management, and policy.

My Philosophy is:

1. Changes should be by evolution rather than revolution.
2. Direct services to the city residents should be provided in the most efficient and effective manner possible.
3. Since we are a labor-intensive service organization, we should expect high employee performance standards and our pay and benefits should be competitive with those of local private industry and comparably-sized cities in North Carolina where the scope of the position and organization are similar to ours - so that we can attract and retain the best qualified employees.
4. Asheville is the county seat of Buncombe County, the seventh largest city in North Carolina, known worldwide as a tourist/ convention center, the largest North Carolina city west of Charlotte, a leader in the growth of Western North Carolina, and a progressive city. We should maintain that image and role.
5. In the event personnel reductions are necessary, to the extent practical, it should be done by attrition and reduction in working hours rather than through terminations.

Division, Accounting Division, the Finance Department, Print Shop personnel, and to the City Council for their long hours of deliberation over this budget.

Respectfully submitted,

K. M. Michalove
City Manager

KMM:prw

Mr. Bob Wurst summarized the budget including revenues and expenditures for all funds. He also summarized a supplementary worksheet showing line item details of revenues and expenditures.

After a brief discussion, Councilman McDevitt moved to schedule a public hearing on the 1982-83 City of Asheville Budget for June 10, 1982. This motion was seconded by Councilman Wilkes and carried unanimously.

BUDGET AMENDMENT - CITY OF ASHEVILLE GENERAL FUND - SETTLEMENT OF CLAIM - SANITATION DIVISION

6. Consideration was given to a motion approving a budget amendment amending the City of Asheville General Fund and the General Capital Projects and Community Development Fund as follows:

- A. General Fund - This budget amendment will transfer \$54,800 from the City's General Fund Contingency to the Sanitation Division - Worker's Compensation line item to provide for settlement of a claim.

The City Manager presented the budget amendment.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Price and carried unanimously.

ORDINANCE NO. 1274 - ORDINANCE AMENDING ORDINANCE NO. 1109 KNOWN AS, "AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY"

7. Consideration was given to the second reading of Ordinance No. 1274, an ordinance amending Ordinance No. 1109, known as, "An Ordinance Creating the Historic Resources Commission of Asheville and Buncombe County."

Mayor Trantham stated that this ordinance was previously read on first reading and would not be reread in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, said Council had several

Center, and Parks and Recreation, and by centralizing such activities as recordkeeping, legal, policy functions, vehicle maintenance, and printing through the departments of Finance, Administration, Employee Services, Planning, Community Development, and Economic Development.

2. This organizational approach has checks and balances to continuously monitor compliance with state, federal, and local laws and efficiency and effectiveness of operations. The need for compliance with these laws and efficient/effective operations and administration will not go away just because we cut the budget.

This Council has inherited the decisions made by former councils and managers, as well as the attitudes and desires of the general public. This simply means that there are numerous activities in which we are now involved which we had no say in establishing, but which there is an obligation to continue or specifically delete.

Therefore, cuts below this recommended budget need to be weighed in terms of good fiscal management, public service needs, and the effects the cut will have on operations and administration. Some of the effects of further cuts are:

1. It will reduce the levels of service. Complaints will increase and we will spend an excessive amount of time responding to those complaints rather than providing service on an equal non-partisan basis.
2. Asheville will fall from rank as a participant in national, state, and regional affairs.
3. Overall appearance of city facilities will deteriorate - the signs of which are already prevalent in streets, sidewalks, and some buildings.
4. Long term effect is that those highly motivated individuals having the credentials for sustained or upward mobility will be seeking jobs elsewhere and the general quality level of city employees will be reduced.

No budget is easy, and no budget should be final. It should be viewed as the general plan of activity for the year indicated, capable of being adjusted to the unexpected.

Our department and division heads deserve particular recognition for their efforts and cooperation in preparing their respective elements of this budget. I firmly believe that this and greater overall efficiency in delivering municipal services are positive results of my emphasis on decentralized management accountability and responsibility. Special recognition for direct assistance in preparation and production of the budget is given to the Administrative Services activity, Employee Services Department, Data Processing

The City Manager read the resolution which stated that on Monday, May 17, 1982, bids were opened on the North Bear Creek Road Box Culverts. Miller Engineering of Mount Airy, North Carolina is the apparent low bidder for this contract in the amount of \$58,674.01. Recommendation of acceptance of the low bidders.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-89 was unanimously.

Complete text of Resolution No. 82-89 will be found in Resolution Book No. 13 at page 228.

RESOLUTION NO. 82-90 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APAC-CAROLINA ASHEVILLE DIVISION FOR THE PROJECT KNOWN AS EAGLE STREET PARKING LOTS IMPROVEMENTS

9. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Apac-Carolina, Inc., Asheville division for the project known as Eagle Street Parking Lots Improvements.

The City Manager read the resolution which stated on Monday, May 17, 1982, bids were opened on the Eagle Steet Parking Lots Improvements Apac-Carolina, Inc., Asheville division, Asheville, North Carolina is the apparent low bidder for this contract in the amount of \$27,717.96. Recommendation of acceptance of the low bidder.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-90 was unanimously adopted.

Complete text of Resolution No. 82-90 will be found in Resolution Book No. 13 at page 229.

MAYOR'S ANNOUNCEMENT OF ADDITIONAL MEMBERS OF THE MAYOR'S DOWNTOWN TASK FORCE

Mayor Trantham announced that the Steering Committee for the Mayor's Downtown Task Force had agreed to increase their membership by two members. He said that he had appointed Mr. J. D. Jackson and Mr. Tyson Betty as members of the Steering Committee for the Mayor's Downtown Task Force.

RESOLUTION NO. 82-91 - RESOLUTION AUTHORIZING THE CLOSING OF MELROSE AVENUE ON SUNDAY, MAY 30, 1982, FROM 4:30 P.M. TO 8:00 P.M.

Consideration was given to a resolution authorizing the closing of Melrose Avenue on Sunday, May 30, 1982, from 4:30 P.M. to 8:00 P.M.

The City Manager read the resolution stating that the residents of Melrose Avenue requested, through their spokesman Wood Pace, that Melrose Avenue be closed on Sunday, May 30, 1982, from 4:30 P.M. to 8:00 P.M. for the purpose of holding a "neighborhood block party" on Melrose Avenue between Gracelyn Road and Lynmar Avenue.

questions relative to the ordinance during its first reading. He read the following proposed amendments to Ordinance No. 1274:

From and after the designation of a Local Historic Property, no exterior portion of the Local Historic Property (including stone walls, fences, exterior light fixtures, steps, pavement, doors and windows) nor any type of outdoor advertising sign shall be erected, altered, restored, removed or demolished without issuance of a Certificate of Appropriateness indicating approval of said action or change. The governing body shall require such a certificate to be issued by the Commission prior to the issuance of a building permit or any other permit granted for purposes of construction or altering structures. A Certificate of Appropriateness shall be required whether or not a building permit is required.

Prior to issuance or denial of a Certificate of Appropriateness the Commission shall take such steps as may be reasonably required in the ordinance and/or rules of procedure to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. Notification of said public hearing shall be given to all parties having interest no later than 10 days prior to the date of the hearing. All meetings of the Commission shall be open to the public in accordance with the N. C. Open Meetings Law.

An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying the Certificate in the same manner as any other appeal to such board. Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of Buncombe County.

Upon inquiry of Councilman McDevitt, Mr. Emrick said he felt it would be necessary to include doors and windows in the ordinance because of the North Carolina General Statutes. He said this would also help maintain the character of the Historic Districts.

Vice-Mayor Price moved to amend Ordinance No. 1274 as proposed by Mr. Emrick. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1274 passed on second reading as amended.

RESOLUTION NO. 82-89 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH MILLER ENGINEERING COMPANY, FOR THE PROJECT KNOWN AS NORTH BEAR CREEK ROAD BOX CULVERTS

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Miller Engineering Company, for the project known as North Bear Creek Road Box Culverts.

After a brief discussion, Vice-Mayor Price requested that Mrs. Porter's request be sent to the Community Development/Housing Authority Liaison Committee for their consideration.

RALPH BISHOP - REQUESTING RECORDS OF J. C. HALL'S DISABILITY PENSION

Mr. Bishop again requested information as to his obtaining a copy of the law, ordinance, or anything else which states that the Board of Trustees has control of the records relative to J. C. Hall's disability pension.

ADJOURNMENT

Upon motion the meeting adjourned at 5:40 P.M.

Dwight L. ...
MAYOR

William F. Hackett
CITY CLERK

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, Resolution No. 82-91 was unanimously adopted.

Complete text of Resolution No. 82-91 will be found in Resolution Book No. 13 at page 230.

CLAIMS - J. DONALD WILLIAMS (WATER & SEWER) - JOHN JARRETT (PUBLIC WORKS) - DAVID GUTHRIE (WATER & SEWER)

The City Manager presented claims received from J. Donald Williams, John Jarrett, and David Guthrie.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - THURSDAY, JUNE 3, 1982, - "504 AWARENESS DAY"

Mayor Trantham proclaimed Thursday, June 3, 1982, as "504 Awareness Day" dealing with regulations to the 504 Act of 1973 relative to handicapped individuals.

MOMENT OF SILENCE FOR FIREFIGHTER RAYMOND JOSEPH FLOWERS

The City Manager announced that the body of Firefighter Raymond Joseph Flowers had been recovered from the West Asheville Baptist Church at approximately 4:30 P.M. He requested that Council have a moment of silence.

REQUEST BY MRS. THELMA PORTER - NAMING OF STREETS IN EAST END AREA

Mrs. Thelma Porter of 142 Mount Clare read the following statement: "this is a request to City Council, on behalf of James Conner Porter, Sr., who was born in East End on May 24, 1917, - attended Mountain Street School, at that time located on Clemmons Street. He finished Stephens Lee High and attended Johnson C. Smith College in Charlotte, North Carolina and volunteered for the armed services in combat. He returned home during peace time, married me, Thelma Washington Porter, bought out the family grocery business, which his father started before James was born at the corner of Mountain Pine and Clemmons Street. James served his community well, not just East End but his home city Asheville as well. He was a boy scout leader, a shriner, a mason, a volunteer sheriff under Sheriff Morrissey, an adult sunday school teacher at Berry Temple Church under Reverend P. T. James, worked with Mr. Michalove in Model Cities at Lucy Herring, operated Porter's Grocery until 1973 when he passed away of cardiac arrest in the Aston Park Hospital. He helped raise two children who are now gainfully employed. James, Jr., works in nursing at Oteen. James was born into a family where all of his three sisters taught in the city schools. From this information of service and etc. about James Porter I respectfully request that in East End you would name one of the following after him: 1) James Porter Circle; 2) James Porter Park; 3) James Porter Bridge; 4) James Porter Lane for James was born there, lived there, served there and died loving East End."

The City Manager also stated that he received a letter from Richard A. Wood, Jr., attorney for Colonel Mitchell Wolfson (Milofran Frams, Inc.) requesting the Council give favorable consideration to the rezoning proposed.

A letter from Mr. Jan M. Weigman was received on June 1, 1981, urging the Council to approve the rezoning request proposed.

Councilman Wilkes spoke in support of the total rezoning in the R-2 zone, making it contiguous to the adjacent land.

Councilman McDevitt said that since the zoning ordinance is a great protection in our City, the Council should not rezone lightly. He feels that the only fair thing to do is reconsider a new definition of R-1 that permits exactly this type of use and then let developers and property owners that live in this area know that the definition of R-1 has changed and that this type of use is now permitted in their district. He said that this should be done especially if Council is encouraging multi-family housing in R-1 districts.

Councilwoman Frank feels that the City needs to establish a policy on multi-family dwellings in the R-1 districts. She feels it is not fair for a person to make a large investment in their home in the R-1 district and then have the zoning adjacent to their property rezoned differently.

On a roll call vote of 5-2, Ordinance No. 1271 passed on its third and final reading. Councilman McDevitt and Councilwoman Frank voted no.

Complete text of Ordinance No. 1271 will be found in Ordinance Book No. 9 at page 328.

RESOLUTION NO. 82-93 - RESOLUTION AND ORDER TO CLOSE A PORTION OF SHOENBERGER PLACE

PUBLIC HEARING RELATIVE TO CLOSING A PORTION OF SHOENBERGER PLACE

4. A public hearing was held relative to closing a portion of Shoenberger Place.

Mayor Trantham opened the public hearing at 4:23 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Attorney Stephen L. Barden III, representing Richard T. Wittington, owner of the property on both sides of the southern 112.58 feet of Shoenberger Place, said that Shoenberger Place formerly ran from Ravenscroft Road in a south-eastern direction to an unnamed alley an approximate distance of 250 feet. He said that Shoenberger Place became blocked and became a dead end at its southern terminus when a large amount of earth was graded out and removed at the point where Shoenberger Place intersected said unnamed alley. He said that

this portion of Shoenberger Place is no longer used by property owners for ingress and egress to their properties and no one will be deprived of access to or from his property. He said that the purpose of this closing would be for Grove Printing Company to eventually extend their building.

Mayor Trantham closed the public hearing at 4:32 p.m.

The Corporate Counsel read the resolution.

Thursday - June 4, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers; Corporate Counsel William C. Moore; City Manager K. M. Michalove; City Clerk/Associate City Manager William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Reverend Wendell O. E. Christopher, Sr., Pastor of St. James AME Church.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 27, 1982, meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the May 27, 1982, meeting were unanimously approved as submitted.

RESOLUTION NO. 82-92 - RESOLUTION COMMEMORATING FIREFIGHTER RAYMOND JOSEPH FLOWERS

2. Consideration of a resolution commemorating Firefighter Raymond Joseph Flowers.

The City Manager read the resolution stating that the City of Asheville experienced a great community loss in the death of Firefighter Raymond Joseph Flowers when he fought a fire on May 26, 1982, at the West Asheville Baptist Church.

Upon motion of Councilman Wilkes, seconded by Councilman Pless, Resolution No. 82-92 was unanimously adopted.

Complete text of Resolution No. 82-92 will be found in Resolution Book No. 9 at page 231.

ORDINANCE NO. 1271 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (PROPERTY ON BEAVERDAM ROAD)

3. Consideration was given to the third and final reading of Ordinance No. 1271, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended (property on Beaverdam Road).

Mayor Trantham stated that this ordinance was previously read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

The City Manager gave an update report to the Council stating that Mr. Verl Emrick, Planning Director, had received a letter from Mr. Herman G. Nichols stating that he is withdrawing his formal protest to the rezoning proposed. He said that Mr. Nichols' withdrawal has the effect of nullifying "3/4 rule" or the 20% protest rule which requires 6 votes of Council to pass the rezoning request.

"June 2, 1982

The Mayor and City Council of the
City of Asheville
City Building
Asheville, North Carolina 28801

RE: Application of The Thoms Broadcasting Companies,
Inc. for approval of increase in rates

Dear Mayor Trantham and Members of the City Council:

I understand that the request of The Thoms Broadcasting Companies, Inc. for approval of an increase in its rates is on your agenda for Thursday, June 3, 1982. It may be that further information will be available for your consideration in passing upon this application. Therefore, as Attorney for The Thoms Broadcasting Companies, Inc., I am writing you to request that you remove this matter from your agenda for Thursday, June 3, and place the matter upon your agenda for Thursday, July 8.

Sincerely yours,

ROBERTS, COGBURN, MCCLURE AND WILLIAMS

Max O. Cogburn"

Councilman Pless moved to continue the public hearing on this matter until July 8, 1982. This motion was seconded by Vice-Mayor Price and carried on a 6-1 vote, with Councilman McDevitt excused from voting due to conflict of interest.

ORDINANCE NO. 1275 - AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS THE "MONTFORD HISTORIC DISTRICT" (NO. 1195) TO INCLUDE PROPERTY KNOWN AS THE "WILLIAMS-MCQUEEN HOUSE" AT 105 GUDGER STREET IN THE MONTFORD LOCAL HISTORIC DISTRICT. THE PROPERTY IS CURRENTLY OWNED BY MR. AND MRS. H. C. MCQUEEN

7. Consideration was given to the third and final reading of Ordinance No. 1275, an ordinance amending an ordinance known as the "Montford Historic District" (No. 1195) to include property known as the "Williams-McQueen House" at 105 Gudger Street in the Montford Local Historic District. The property is currently owned by Mr. and Mrs. H. C. McQueen.

Mayor Trantham stated that this ordinance was previously read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1275 passed on its third and final reading.

Complete text of Ordinance No. 1275 will be found in Ordinance Book No. 9 at page 335.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-92 was unanimously adopted.

Complete text of Resolution No. 82-92 will be found in Resolution Book No. 13 at page 232.

CONTINUATION OF PUBLIC HEARING - APPEAL OF WALTER D. GILCHRIST OF THE ASHEVILLE POLICE DEPARTMENT - DECISION OF THE ASHEVILLE BOARD OF EXAMINERS OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

5. Continuation of a public hearing relative to the appeal of Walter D. Gilchrist of the Asheville Police Department, appealing a decision of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund.

Mr. T. E. Lipsey III, attorney representing Walter D. Gilchrist, reviewed all the information that was presented at the beginning of this public hearing on March 25, 1982, relative to his client's appeal. He said that it is his opinion that Mr. Gilchrist's request for in-line-of-duty retirement benefits should be considered under the "old law" since his diabetes problem arose in February, 1979, and the "new law" went into effect April 20, 1979. He said that Walter Gilchrist is currently drawing not-in-line-of-duty disability retirement.

Attorney Robert J. Robinson, acting on behalf of the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund, said that it was the Board's decision that an individual would not be disabled to work with diabetes and that diabetes is not related to in-line-of-duty retirement benefits. He then reviewed the letter from the Chairman of the Board of Examiners of the Asheville Policemen's Pension and Disability Fund entered into the minutes of the Asheville City Council on May 7, 1982.

In response to Councilman Pless' inquiry into the nature of the 22 men currently drawing in-line-of-duty disability retirement, Mr. Sam Graves, Director of Employee Services, stated that he would have to look into the medical records in order to determine the reasons they were drawing this type of disability retirement.

After some discussion of information previously covered in the earlier public hearing, Councilman McDevitt moved to continue this public hearing until he had an opportunity to review the file of information Mr. Lipsey presented at this meeting. This motion was seconded by Councilman Myers.

Councilman Wilkes asked Councilman McDevitt if he would accept an amendment to his motion by putting the date of June 10, 1982, as the continuation date of the hearing because this particular hearing has been going on for some time. Councilman McDevitt accepted this amendment into his motion. Councilman Myers also accepted this amendment. Councilman McDevitt's motion, with amendment, carried unanimously.

The City Manager stated that the files will be available for the Council's review in the Personnel Office.

CONTINUATION OF A PUBLIC HEARING - APPLICATION FOR AN INCREASE IN RATES BY THOMAS BROADCASTING COMPANY, INC., FOR CABLEVISION SERVICE

6. The City Manager read the following letter:

The City Manager explained the budget amendment stating that this budget amendment will transfer funds from Continuation of Park Improvements to Murphy/Oakley (\$1,400) and Shiloh Park (\$1,500).

Councilman McDevitt moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-94 - RESOLUTION TO BLOCK CHURCH STREET ON JULY 17, 1982

10. Consideration was given to a resolution to block Church Street on July 17, 1982.

The City Manager read the resolution stating that the Asheville-Buncombe Community Christian Ministry is sponsoring "A Sharing Affair" on Saturday, July 17, 1982, from 9:00 a.m. to 3:00 p.m. which will bring over 35 churches together in order to benefit the disadvantaged in our community.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-94 was unanimously adopted.

Complete text of Resolution No. 82-94 will be found in Resolution Book No. 9 at page 234.

RESOLUTION NO. 82-95 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE PERPETUAL AND TEMPORARY EASEMENTS IN FAVOR OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

11. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute perpetual and temporary easements in favor of the North Carolina Department of Transportation.

The City Manager read the resolution stating that the N.C. Department of Transportation has requested the City of Asheville to execute perpetual and temporary right-of-way easements on property belonging to the City of Asheville for the purpose of widening and improving Valley Street in connection with State Highway Project 8.2017501. He said the N.C. Department of Transportation has agreed to pay the City of Asheville \$625.00 for said easements.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-95 was unanimously adopted.

Complete text of Resolution No. 82-95 will be found in Resolution Book No. 9 at page 235.

CLAIMS - BARBARA REDMON (PUBLIC WORKS), ELIZABETH MAPP (WATER & SEWER), ELBERTA MERRELL (WATER & SEWER), RICHARD GOSSELIN (PUBLIC WORKS), PEARL PATTON (PUBLIC WORKS)

The City Manager presented claims received from Barbara Redmon, Elizabeth Mapp, Elberta Merrell, Richard Gosselin and Pearl Patton.

Mayor Trantham referred the claims to the Corporate Counsel for investigation and recommendation.

ORDINANCE NO. 1274 - AN ORDINANCE AMENDING ORDINANCE NO. 1109, KNOWN AS "AN ORDINANCE CREATING THE HISTORIC RESOURCES COMMISSION OF ASHEVILLE AND BUNCOMBE COUNTY"

8. Consideration was given to the third and final reading of Ordinance No. 1274, an ordinance amending Ordinance No. 1109, known as "An Ordinance Creating the Historic Resources Commission of Asheville and Buncombe County."

Mayor Trantham stated that this ordinance was previously read on its first reading and would not be read in its entirety unless there was a specific request to do so.

Mrs. Grace Pless of the Historic Resources Commission, said that the deletion of the words "nor interior" taken out of the Ordinance on its second reading would not make the ordinance compatible with State Statutes. She said the Commission felt the Statute left this particular area purposely vague so that if someone considered demolishing the interior of a historic property, that the Commission involved would have the power to review it if they chose.

Mr. Doug Swaim asked the Council to consider the following amendment in- to Ordinance No. 1274. It would be inserted in Section 1, Item F, subsection (g) as the first two sentences (deleting the first sentence in the ordinance as it now reads):

"(g) From and after designation, no Local Historic Property, nor any associated advertising sign, shall be materially altered, restored, moved, or demolished without issuance of a Certificate of Appropriateness indicating approval of said action or change. This provision applies to stone walls, fences, exterior light fixtures, steps, pavement, doors, and windows and any other features of the property specifically designated as significant to its historic or architectural character."

Vice-Mayor Price moved to amend Ordinance No. 1274 as requested by Mr. Swaim. This motion was seconded by Councilman Pless and carried on a 6-1 vote, with Councilman Wilkes voting no.

Mr. J. E. Johnson, Director of Inspections, questioned the procedure he would now operate under.

Councilman Wilkes felt that the insertion of the amendment would restrict the property owners of the freedom to do whatever they want to do with the interior of their home.

On a roll call vote of 6-1, Ordinance No. 1274, as amended, passed on its third and final reading. Councilman Wilkes voted no.

Complete text of Ordinance No. 1274 will be found in Ordinance Book No. 9 at page 332.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT FUND BUDGET

9. Consideration was given to a motion to approve a budget amendment amending the Community Development Fund budget.

MRS. JEAN McCLURE - WAYSIDE

Mrs. Jean McClure explained to Council the problems she has been having since 1977 with drainage problems and the problem she has encountered with the paving of Wayside.

RALPH BISHOP

Mr. Ralph Bishop thanked Vice-Mayor Price for the information she obtained for him. He spoke relative to the records of the Board of Trustees of the Asheville Policemen's Pension and Disability Fund.

ADJOURNMENT

The meeting adjourned at 6:35 p.m.

Rayn Kautz
MAYOR

CITY CLERK

PROCLAMATION - SUNDAY, JUNE 6, 1982 - PRIEST APPRECIATION DAY

Mayor Trantham proclaimed Sunday, June 6, 1982, as "Priest Appreciation Day" in the City of Asheville.

SCHEDULING OF A PUBLIC HEARING - REZONING REQUEST OF MARTIN NESBITT TO REZONE WARD 12, SHEET 13, LOT 42 FROM CS COMMERCIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT

Consideration was given to a motion scheduling a public hearing relative to rezoning property on both sides of Old County Home Road from the City Limits to Johnston School Road from R-5 Residential District.

Vice-Mayor Price moved to schedule a public hearing relative to rezoning property on both sides of Old County Home Road from the City Limits to Johnston School Road from CS Commercial Service District to R-5 Residential District for June 24, 1982. This motion was seconded by Councilman Pless and carried unanimously.

SCHEDULING OF MEETINGS

The City Manager said that the Asheville City Council work session scheduled from 5:00 p.m. to 7:00 p.m. on June 8, 1982, has been rescheduled from 1:00 p.m. to 3:00 p.m. on June 8, 1982, in the City Council Conference Room. He said that following this work session, at 3:00 p.m., the City Council will meet in a joint session with the Buncombe County Commissioners in the City Council Chambers for the purpose of discussing the Asheville-Buncombe Water Authority Budget.

He stated that on Thursday, June 10, 1982, the Asheville City Council will meet from 9:00 a.m. to 4:00 p.m. in the City Council Conference Room for a budget work session and from 4:00 p.m. - 5:30 p.m. the City Council will meet for their regular City Council Meeting in the Council Chambers. He said that following this meeting, at 5:30 p.m., the City Council will meet with the City Personnel Advisory Commission in the City Council Conference Room.

DON ROBERTS PRESENTS PETITION

Mr. Don Roberts presented a petition with approximately 2,800 names on it. The petition read as follows:

"TO: Buncombe County Board of Commissioners: Local City Councils:

FROM: Property Owners of Buncombe County

SUBJECT: Tax Rate

This petition is a request from us to you, asking you to reduce the present Tax Rate, to a rate which would hold property taxes to the same dollar level of 1981. We feel you should operate government under the same financial conditions most of us have to live with!!!! Thank you."

Mayor Trantham stated that the Council would do the best they could to hold the line on the tax rate.

Water Authority, the only difference in what they did approve was the delaying of any action on the construction of the 24" distribution line from Bee Tree to North Fork until the future of the French Broad River treatment plant was known.

Chairman Brock called for a united front from both the Commissioners and Council as they proceed with the development plan and Councilman Wilkes stated that he felt that the Council should support the Water Authority.

Vice-Mayor Norma Price then moved to approve the Water Authority's recommended budget, the 20% rate increase and the authorization to proceed with the recommended Option 1 for the water resource development plan. That the Council be given the opportunity to review the manner in which the 20% rate increase is distributed and after all the information is in, that the date for a bond referendum be set by the County Commissioners and City Council. This motion was seconded by Councilman Joe Pless.

Councilman McDevitt stated that a 20% rate increase and a 100% ad valorem tax increase in one year was pretty steep and he wanted to wait until the City and County tax rates were finalized before he could support a 20% water rate increase.

Mayor Trantham said the Council had been putting off making a decision on the matter and he thought they should support the Authority. He called for the vote and Vice-Mayor Price's motion passed 6-1, with Councilman McDevitt voting "no."

Chairman Brock advised the joint group that he had been authorized by the Water Authority to negotiate with the engineering firm of Furmeister and Wright Associates, P. A., to design the Bee Tree treatment plant. He said these negotiations had been completed and he asked Council to approve this action.

Councilwoman Frank moved for this approval which was seconded by Vice-Mayor Price and carried unanimously.

There being no further business, the meeting was adjourned.

Muriel F. Starnett

City Clerk
City of Asheville

MINUTES
CITY/COUNTY JOINT MEETING
JUNE 8, 1982

A joint meeting of the Asheville City Council and the Buncombe County Commissioners was held on Tuesday, June 8, 1982, at 3:00 p.m. in the City Council Chambers.

The following individuals were present: Mayor Roy M. Trantham; Vice-Mayor Norma T. Price; Councilmembers Mary Lloyd Frank, Gordon Myers, Joe Pless, H. C. Wilkes and Larry McDevitt; Chairman R. Curtis Ratcliff; Commissioners Doris Giezentanner, J. D. Jackson, Jesse Ledbetter and Robert Riddle.

The following members of the Asheville-Buncombe County Water Authority were also present: Chairman Floyd D. Brock; Vice Chairman Richard A. Wood, Jr.; and Wilhelmina B. Bratton.

The following staff members were also present: Ken Michalove, City Manager; William F. Wolcott, Jr., Associate City Manager; William DeBruhl, Director of Water & Sewer Services; Charles Rector, Assistant Director of Water & Sewer Services; Charles Tessier, Buncombe County Planning Staff; and Charles Alexander, Woodfin Water Department.

The following news media were present: John Campbell, Asheville Citizen; Dick Cullum, WISE; and Ken McDonald, WUNC.

Mayor Trantham opened the meeting and introduced Floyd Brock, Chairman of the Asheville-Buncombe Water Authority, who presented each member with a copy of the 1982-83 budget for the Water and Sewer Department, which he said has been approved by the Authority and he was now submitting it to the City Council and County Commissioners for their approval.

He pointed out that this budget anticipated the implementation of Option #1 for the water resource development program and that the budget did include an overall 20% rate increase effective September 1, 1982. He then offered to field any questions that the Council or Commissioners might have.

The question of which governing body would issue the bonds for the capital improvements was brought up and it was agreed that this responsibility would fall to the City, along with calling the referendum. As to the timing for the referendum, it was pointed out that the State Statutes governing elections restricts the scheduling of referendums before and after other elections and that the state primary and general elections, to be held this year, could complicate the scheduling. It was further noted that obtaining the approval of the Local Government Commission could also take an undetermined amount of time and until the entire package is put together it would be impossible to set a date for the referendum.

A discussion followed on the proposed budget, the merits of Option #1 of the development plan and the 20% rate increase to facilitate financing. Chairman Ratcliff said that even though the County Commissioners did not unanimously approve the implementation of Option as recommended by the

Councilman Wilkes said he hoped that this issue could be dispensed with at today's meeting since the matter has been pending for a long period of time.

There being no further comments, Vice-Mayor Price closed the public hearing at 4:17 p. m.

Councilman Wilkes moved that the request of Mr. Walter Gilchrist for in-line-of-duty 70% disability retirement benefits be approved. This motion was seconded by Councilman Pless.

Upon the request of Councilman Wilkes, a roll call was taken on his motion to approve Mr. Gilchrist's request, which motion failed on a tie vote of 3-3 with Councilmen Pless, Wilkes, and Myers voting "yes" and Vice-Mayor Price, Councilwoman Frank, and Councilman McDevitt voting "no."

BUDGET AMENDMENTS - GRANT PROGRAMS FUND - COMMUNITY DEVELOPMENT FUND
 (Replace amplifier for Hillcrest Center - closeout completed Contribution to
 Downtown Revitalization (Walnut Streetscape) - Economic Development operating costs)

4. Consideration was given to a motion approving a budget amendment amending the City of Asheville Grant Programs Fund and the Community Development Fund as follows:

- A. Grant Programs Fund - This budget amendment in the amount of \$500 is to increase funding for the "Yes Indeed Music at Reid-II" project. This \$500 is from the Community Based Alternatives discretionary funds for an amplifier which was stolen at Hillcrest Center.
- B. Community Development Fund - This budget amendment in the amount of \$632 is to closeout the completed Contribution to Downtown Revitalization (Walnut Streetscape) project and transfer the funds to Community Development Administration project.
- C. Community Development Fund - This budget amendment is to provide that the Economic Development operating costs funding be transferred from the General Fund to the Asheville Business Office Project in the Community Development Fund effective May 1, 1982, for the remaining of Fiscal 1981/82.

The City Manager presented the budget amendment outlined in (A).

Councilwoman Frank moved to approve Budget Amendment (A) as outlined by the City Manager. This motion was seconded by Councilman McDevitt and carried unanimously.

The City Manager presented the budget amendment outlined in (B).

Councilman McDevitt moved to approve Budget Amendment (B) as outlined by the City Manager. This motion was seconded by Councilman Pless and carried unanimously.

The City Manager presented the budget amendment outlined in (C).

Councilman Wilkes moved to approve Budget Amendment (C) as outlined by the City Manager. This motion was seconded by Councilman Myers and carried unanimously.

89

Thursday - June 10, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank; Councilmen Joe Pless, Larry McDevitt, H. C. Wilkes, and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, City Clerk/Associate City Manager William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending a meeting in Raleigh)

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 3, 1982 meeting.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, the minutes of the June 3, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING - CITY OF ASHEVILLE BUDGET FOR 1982-83

2. A public hearing was held relative to the 1982-83 City of Asheville Budget.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

There were no public comments relative to the proposed budget for 1982-83.

Councilman McDevitt said he knew it was the tradition of Council to vote on the budget during the public hearing, however, he was not ready to vote on the budget. He said members of Council are in the process of reviewing the proposed budget.

After discussion, Councilman McDevitt moved to continue the public hearing on the 1982-83 City of Asheville Budget until June 17, 1982, without further advertisement. This motion was seconded by Councilman Pless and carried unanimously.

CONTINUATION OF A PUBLIC HEARING - APPEAL OF WALTER D. GILCHRIST - BOARD OF EXAMINERS AND BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

3. A public hearing was continued relative to the appeal of Walter D. Gilchrist of the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund relative to his request to receive in-line-of-duty disability retirement benefits.

Vice-Mayor Price stated that this public hearing was continued from the June 3, 1982 meeting.

Councilwoman Frank moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilman McDevitt and carried unanimously.

PROCLAMATION - UNITED NATIONS DISARMAMENT WEEK - JUNE 7 - 14, 1982

Vice-Mayor Price proclaimed the week of June 7 - 14, 1982 as "United Nations Disarmament Week."

PROCLAMATION - FLAG DAY THROUGH INDEPENDENCE DAY - JUNE 14 - July 4, 1982

Vice-Mayor Price proclaimed the period of Flag Day through Independence Day - June 14 - July 4, 1982, as a period to honor America.

CLAIMS - BILL POYNTER (PUBLIC WORKS) - J. P. DEMETRIS (PUBLIC WORKS) - GARY SHERMAN (WATER AND SEWER)

MABEL A. TAYLOR - TRANSIT AUTHORITY BUS ACCIDENT

DOROTHY MAE ALLEN - FALL IN METER HOLE

The City Manager presented claims received from Bill Poynter, J. P. Demetris, and Gary Sherman. He also reported that the City was served with summonses in connection with the lawsuits involving Mabel A. Taylor and Dorothy Mae Allen.

RESOLUTION NO. 82-97 - RESOLUTION AUTHORIZING MAYOR TO SIGN CONSENT JUDGEMENTS ON BEHALF OF THE CITY OF ASHEVILLE (Sidney M. Schochet and wife, Mary P. Schochet; Lillian S. Levy; Helen Blomberg)

Consideration was given to a resolution authorizing the Mayor to sign consent judgements on behalf of the City of Asheville involving the North Carolina Department of Transportation vs. Sidney M. Schochet and wife, Mary P. Schochet; Lillian S. Levy; Helen Blomberg; City of Asheville and County of Buncombe.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-97 was unanimously adopted.

Complete text of Resolution No. 82-97 will be found in Resolution Book No. 13 at page 237.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING RECORDS FROM BOARD OF TRUSTEES ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND - RE: FORMER POLICE CHIEF J. C. HALL

Ralph Bishop again commented relative to his obtaining records from the Board of Trustees Asheville Policemen's Pension and Disability Fund to receive records relative to former Police Chief J. C. Hall's disability pension.

ADJOURNMENT

Upon motion, Vice-Mayor Price adjourned the meeting at 4:45 p. m.


MAYOR


CITY CLERK

RESOLUTION NO. 82-96 - RESOLUTION AUTHORIZING THE MOTOR TRANSPORT SUPERINTENDENT TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE

5. Consideration was given to a resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated price.

The City Manager read the resolution stating that the Motor Transport Division of the City of Asheville has approximately 200 used tires for which the city has no use. This resolution will authorize the disposition of said tires.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-96 was unanimously adopted.

Complete text of Resolution No. 82-96 will be found in Resolution Book No. 13 at page 236.

SCHEDULING OF PUBLIC HEARING - REZONING PROPERTY ON CRAYTON ROAD

6. Consideration was given to a motion scheduling a public hearing relative to rezoning property on Crayton Road from R-3 Medium Density Residential to LI Light Industrial District for July 1, 1982.

Councilman McDevitt moved to schedule a public hearing relative to rezoning property on Crayton Road from R-3 Medium Density Residential to LI Light Industrial for July 1, 1982. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING OF PUBLIC HEARING - REZONING PROPERTY ON CARIBOU AND SWEETEN CREEK ROAD

7. Consideration was given to a motion scheduling a public hearing relative to rezoning property on Caribou and Sweeten Creek Road from R-3 Medium Density Residential to LI Light Industrial for July 1, 1982.

Councilman Myers moved to schedule a public hearing relative to rezoning property on Caribou and Sweeten Creek Road from R-3 Medium Density Residential to LI Light Industrial for July 1, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

SCHEDULING OF PUBLIC HEARING - GROUP DEVELOPMENT REVIEW OF PROPOSED OAKLEY MOBILE HOME PARK

8. Consideration was given to a motion scheduling a public hearing relative to a group development review of an updated site plan of the proposed Oakley Mobile Home Park to be constructed on School Road for July 8, 1982.

Councilwoman Frank moved to schedule a public hearing relative to a group development review of an updated site plan of the proposed Oakley Mobile Home Park to be constructed on School Road for July 8, 1982.. This motion was seconded by Councilman Pless and carried unanimously.

BUDGET AMENDMENT - GENERAL FUND - Expenses incurred during fire at West Asheville Baptist Church

9. Consideration was given to a motion approving a budget amendment in the amount of \$9,623 to pay for expenses not budgeted which were incurred during the fire at the West Asheville Baptist Church on May 26, 1982.

The City Manager presented the budget amendment.

After discussion, Vice-Mayor Price moved to approve the sale of disposal parcel 81-A as recommended by the Housing Authority. This motion was seconded by Councilwoman Frank and carried unanimously.

It was the understanding of members of Council that the redeveloper of Parcel 81-A would provide buffering around the area.

RESOLUTION NO. 82-98 - RESOLUTION SUPPORTING THE WESTERN NORTH CAROLINA SOAP BOX DERBY AND AUTHORIZING THE CLOSING OF CERTAIN STREETS IN THE CITY OF ASHEVILLE FOR SAID EVENT

4. Consideration was given to a resolution supporting the Western North Carolina Soap Box Derby and authorizing the closing of certain streets in the City of Asheville for said event.

The City Manager read the resolution stating that the WNC Soap Box Derby Association, an affiliate of the West Asheville Rotary Club, is sponsoring a Soap Box Derby for participants in Western North Carolina on July 10, 1982 in Asheville. A request has been received from the West Asheville Rotary Club to close certain streets for the race on July 10, 1982 and for the time trials on June 26, 1982.

Mr. Tom Drake with the West Asheville Rotary Club spoke in support of the resolution stating that this will be the First Annual Soap Box Derby and hopefully it would be an annual event.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-98 was unanimously adopted.

Complete text of Resolution No. 82-98 will be found in Resolution Book No. 13 at page 238.

RESOLUTION NO. 82-99 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RALPH BURGARD, AN ARTS PLANNING CONSULTANT, FOR SERVICES IN CONNECTION WITH CULTURAL ART ACTIVITIES WITH THE CITY OF ASHEVILLE

5. Consideration was given to a resolution authorizing the Mayor to execute an agreement with Ralph Burgard, an Arts Planning Consultant, for services in connection with Cultural Art activities with the City of Asheville.

The City Manager read the resolution stating that the consultant is qualified as an Arts Planning Consultant and engages in such activities as an independent contractor. The City desires to engage the Consultant to perform services for the City in connection with cultural arts activities within the City of Asheville. This resolution will authorize the Mayor to sign an agreement with Ralph Burgard in the amount of \$1,313.80 for consulting services and travel expenses.

Thursday - June 17, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, H. C. Wilkes, and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, City Clerk/Associate City Manager William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt

INVOCATION

The invocation was given by Councilman H. C. Wilkes.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 10, 1982 meeting.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, the minutes of the June 10, 1982 meeting were unanimously approved as submitted.

CONTINUATION OF PUBLIC HEARING - CITY OF ASHEVILLE BUDGET 1982-83

2. A public hearing was continued relative to the 1982-83 City of Asheville budget.

Councilman Pless moved to continue the public hearing on the 1982-83 City of Asheville Budget until June 24, 1982, without further advertisement. This motion was seconded by Councilman Wilkes and carried unanimously.

SALE OF DISPOSAL PARCEL (81-A) - EAST RIVERSIDE RENEWAL PROJECT

3. Consideration was given to a motion relative to the sale of a disposal parcel in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bid for a disposal parcel in the East Riverside Renewal Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
81-A	Commercial	\$16,000	\$16,000	Howard Lyda

Note: This parcel is located on Choctaw Street and is adjacent to Lyda Truck Service. The redeveloper plans to fence and gravel the lot to be used for parking. The redeveloper also plans to provide buffering for the area.

PROCLAMATION - JULY 10, 1982 - "SOAP BOX DERBY DAY"

Mayor Trantham proclaimed July 10, 1982 as "Soap Box Derby Day" in the City of Asheville.

PROCLAMATION - JUNE 18, 1982 - BOBBY MARLOWE DAY

Mayor Trantham proclaimed June 18, 1982 as "Bobby Marlowe Day" in the City of Asheville.

CLAIMS - JAMES GENTRY (PUBLIC WORKS) - FRED SPRINKLE (WATER AND SEWER) - CORINE BROWN (PARKS AND RECREATION) - BETTY CARSON (WATER AND SEWER) - JULIE KICA (PUBLIC WORKS)

LAWSUITS - TINA R. CLARK (AUTOMOBILE ACCIDENT)

The City Manager presented claims received from James Gentry, Fred Sprinkle, Corine Brown, Betty Carson, and Julie Kica. He also noted that the city was served with a summons in connection with the lawsuit involving Tina R. Clark.

Mayor Trantham referred the claims and summons to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 82-100 - RESOLUTION AUTHORIZING THE CLOSING OF ACADEMY STREET ON SATURDAY, JUNE 19, 1982 FROM 10:00 AM TO 1:00 PM.

Consideration was given to a resolution authorizing the closing of Academy Street on Saturday, June 19, 1982 from 10:00 a.m. to 1:00 p. m.

The City Manager read the resolution stating that the Biltmore Alliance Church, through their spokesman, J. Timothy Yale, has requested that Academy Street from Marietta Street to Fern Street be closed on Saturday, June 19, 1982 from 10:00 a. m. to 1:00 p. m. for the purpose of conducting a Vacation Bible School picnic.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes , Resolution No. 82-100 was unanimously adopted.

Complete text of Resolution No. 82-100 will be found in Resolution Book No. 13 at page 240.

DISCUSSION RELATIVE TO LETTER TO N. C. DEPARTMENT OF TRANSPORTATION RELATIVE TO I-240-MERRIMON AVENUE- BROADWAY REDESIGN

The City Manager presented the following letter for members of Council to review before forwarding to Mr. George E. Wells, P. E. in connection with the I-240-Merrimon Avenue-Broadway redesign.

The City Manager said Council had approved this concept in May, 1982 and needed to complete the paperwork of the project.

Ralph Bishop spoke in opposition to the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-99 was unanimously adopted.

Complete text of Resolution No. 82-99 will be found in Resolution Book No. 13 at page 239.

DISCUSSION RELATIVE TO WALTER D. GILCHRIST'S APPEAL - BOARD OF EXAMINERS AND BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

After a brief discussion, Councilman Wilkes moved that a committee composed of Mayor Trantham, the City Manager, Walter D. Gilchrist, and Mr. Gilchrist's attorney as well as himself be set up to discuss what alternatives Mr. Gilchrist may have regarding his appeal of the decision of the Board of Examiners and Board of Trustees of the Asheville Policemen's Pension and Disability Fund. This motion was seconded by Councilman Myers and carried unanimously.

DELAYED COUNCIL MEETING ON JUNE 24, 1982 - WATER AUTHORITY BUDGET

At the request of the City Manager, Councilman Pless moved that the regular meeting of the Asheville City Council scheduled for June 24, 1982 be held immediately after a scheduled public hearing by the Asheville-Buncombe Water Authority on June 24, 1982 at 4:00 p. m. relative to the Water Budget. This motion was seconded by Vice-Mayor Price and carried unanimously.

BUDGET AMENDMENT - ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT BUDGET

The City Manager presented a budget amendment to provide funding for the operation of the Economic Development function for the period of May 1, 1982 to June 30, 1983, in the amount of \$30,191 and to establish a contribution to an Economic Development Trust Fund in the amount of \$41,809. Said Economic Development Trust Fund shall be established by ordinance by council.

Councilman Wilkes moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

BUDGET AMENDMENT - GENERAL FUND - GROUP INSURANCE PLAN STUDY

The City Manager presented a budget amendment in the amount of \$5,000 to appropriate funds for a study of the city's group insurance plan.

Councilwoman Frank moved to approve the budget amendment as presented by the City Manager. This motion was seconded by Vice-Mayor Price and carried unanimously.

Mr. George E. Wells

-2-

June 17, 1982

With these exceptions, the proposed geometry and signalization should be helpful in eliminating the existing dangerous situation at this intersection.

Finally, our local Transportation Advisory Committee will be meeting within the next two or three weeks to review this proposal. For your information, any comments or recommendations made by that Committee will be forwarded to your office.

We are most appreciative for the opportunity to comment on this proposal and will be available to discuss this project further with the North Carolina Department of Transportation staff. Should you have questions or need additional information, please contact Bob McDonald, Transportation Planner, at 704/255-5434.

We look forward to hearing from you.

Sincerely,

Roy M. Trantham
Mayor

BMCD/RMT/nr
cc/E. H. McEntire
James W. Daniels
T. Clark Brown
Members of City Council

City of Asheville

91

Office of the Mayor

POST OFFICE BOX 7148

ASHEVILLE, N.C. 28807

Mayor
Ray M. Trantham

Vice Mayor
Norma T. Price



Councilmembers:
Mary Lloyd Frank
Larry S. McDowell
Gordon S. Myers
Joe Pless
H.C. Wilkes

June 17, 1982

Mr. George E. Wells, P.E.
Manager of Highway Design
N. C. Department of Transportation
P. O. Box 25201
Raleigh, North Carolina 27611

RE: N. C. Project 8.7384001; W-7
(I-240, Merrimon Avenue, Broadway Redesign)

Dear Mr. Wells:

The purpose of this correspondence is to relate to you some concerns that we have with regard to the above referenced project.

First, the closing of the exit ramp leading from I-240 to Woodfin Street could, in our opinion, create several problems for traffic desiring to enter downtown from this area. Traffic which now has direct access to Woodfin Street via the existing ramp would be forced to exit and turn left onto Broadway and then turn left again onto Woodfin Street under the new proposal. Although these movements are probably no more hazardous than what presently exists, they are somewhat more confusing and time consuming and would probably create a higher level of congestion along this portion of Broadway.

Secondly, the elimination of direct access onto the westbound I-240 ramp from Broadway is another area of concern. By eliminating this movement, as shown in the new proposal, Broadway traffic desiring to enter I-240 Westbound would be routed to Merrimon Avenue first by way of the local street system, then from Merrimon to the I-240 Westbound ramp. It is our feeling that the local streets in the area, especially Chestnut Street, may not accommodate these additional volumes. The same holds true for Broadway traffic desiring to come downtown. This traffic would also have to utilize the local street system from Broadway to Merrimon for any downtown destination.

After reviewing the letter, Vice-Mayor Price moved that the Mayor be authorized to forward the letter to Mr. George E. Wells of the North Carolina Department of Transportation. This motion was seconded by Councilwoman Frank and carried unanimously.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING RECORDS RELATIVE TO FORMER POLICE CHIEF J. C. HALL FROM THE BOARD OF TRUSTEES OF THE ASHEVILLE POLICEMEN'S PENSION AND DISABILITY FUND

Ralph Bishop again made comments to Council relative to his difficulty in obtaining records from the Board of Trustees of the Asheville Policemen's Pension and Disability Fund. He said he was told by a member of the Board to write a letter requesting the information he desired from the Board. He said he felt he should be able to obtain the information without writing a letter.

ADJOURNMENT

Upon motion, the meeting adjourned at 4:35 p. m.

 MAYOR  CITY CLERK

SITE NO. 1
W-7
ENCLOSURE NO. 2



Councilman Wilkes moved to continue the public hearing for one week, without further advertisement. This motion died for the lack of a second and the hearing continued.

Verl Emrick, Director of Planning, said at the April 7, 1982 Planning and Zoning Commission meeting Mr. Nesbitt's request to place a mobile home on his property which is zoned CS Commercial Service District was considered. He said this would have involved a wording amendment to the Zoning Ordinance to permit single mobile homes in all CS Districts. He said the Planning and Zoning Commission voted to recommend that the wording change not be adopted since it was not advisable to permit single mobile homes in the CS District since it does not currently permit any residences. He said Council, at their regular meeting of May 13, 1982, remanded the matter to the Planning and Zoning Commission to investigate the feasibility of rezoning the lot to R-5 Residential District. He said at the Planning and Zoning Commission held on June 2, 1982 the request was considered. He said after review and discussion, the Commission voted to recommend to City Council that both sides of Old County Home Road from the City Limits to Johnston School Road be rezoned to the R-5 Residential District.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Mayor Trantham closed the public hearing at 4:50 p. m.

Verl Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Councilman Myers moved for the adoption of Ordinance No. 1276. This motion was seconded by Councilman McDevitt.

On a roll call vote of 7-0, Ordinance No. 1276 passed on first reading.

CONTINUATION OF PUBLIC HEARING - CITY OF ASHEVILLE BUDGET 1982-83

ORDINANCE NO. 1277 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1982-83

4. A public hearing was continued relative to the 1982-83 City of Asheville Budget.

Mayor Trantham stated that this public hearing was continued from the June 17, 1982 meeting.

Councilman Wilkes said effective July 1, 1982 the City Council will enter into an agreement with the North Carolina Local Governmental Employees Retirement System allowing city employees who are members of the North Carolina Retirement System to receive a tax credit for their contributions into the plan. He said this action should result in an average increase in take home pay of approximately 2-4% for city employees.

Thursday - June 24, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Larry McDevitt, Joe Pless, H. C. Wilkes and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 17, 1982 meeting.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, the minutes of the June 17, 1982 meeting were unanimously approved as submitted.

RESOLUTION NO. 82-101 - RESOLUTION IN MEMORY OF CAPTAIN JIMMIE L. SLOOP

2. Consideration was given to a resolution in memory of Captain Jimmie L. Sloop.

Councilman McDevitt read the resolution.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-101 was unanimously adopted.

Complete text of Resolution No. 82-101 will be found in Resolution Book No. 13 at page 241.

PUBLIC HEARING - REZONING PROPERTY OWNED BY MRS. MARTIN NESBITT - OLD COUNTY HOME ROAD

3. A public hearing was held relative to rezoning property owned by Mrs. Martin Nesbitt from Commercial Service District to R-5 Residential District.

Mayor Trantham opened the public hearing at 4:43 p. m.

Upon inquiry of Councilman Wilkes, Mr. Emrick, Director of Planning, said it was his understanding that, since he had been out of town a few days, some nineteen (19) property owners in the area have voiced opposition to this rezoning. He said, at the present time, he did not know their concerns. He said if Council desired the public hearing could be continued for one week giving him an opportunity to find out the concerns of the property owners.

Five leading banks volunteered to put up \$1 million each for a loan pool. They are still waiting for the City and County to let them know about matching these funds with \$1 million - with this crippling tax rate proposal, how are we going to help business and a industry development. We only have a small contingency fund and small amount of capital reserves.

We have dropped in population from 60,000 to 53,000 - 3,000 more and we will become a township like our neighboring communities -- but not as well off financially.

We have the finest employees in the nation and I will put them up against any city. So I cannot sit back and see our employees treated this way!

First of all since some of you decided not to meet with department heads - although that offer was made by me and the City Manager for months, I want you to hear from each one of them now -- starting with the City Manager -- I will ask them to hold their comments to 3 minutes each.

In addition, several employees have called me about appearing before the Council -- after the department heads speak, I will call on those people that speak for a group, then individuals."

At this time, Mayor Trantham called on the City Manager who made the following statement:

"Mayor and members of Council, I would like to mention that in the pre-Council meeting - work session - the majority of the Council members voted to increase the tax rate from 55¢ which was the proposed rate discussed Monday to 58¢ - that 3¢ that is proposed is to be used for the pay plan - not including the longevity pay - but the performance pay plan. The difference in what that plan would pay for would go into the contingency fund. I have met with the Council for a number of weeks. I feel it is my responsibility as City Manager to continue an effort to convince the Council that a 66¢ tax rate is a good tax rate. I have four or five remarks to make - one which just by coincidence last night - I was looking at U. S. News and World Report - June 28 - page 12. 'America is crumbling at the edges, a house study shows public works are not working well - water pipes are rusting - sewers are bursting - roads are cracking - bridges are collapsing - public buildings are falling apart...' It goes on to list New York City needs to spend 40 billion this decade to repair or rebuild a thousand bridges, 4500 buses, 6200 miles of street, 6000 miles of water line. Cleveland will have to repair its bridges, replace or renovate its water and flood control systems - estimated cost \$1 billion. Dallas needs to allocate 700 million for water and sewerage system and 109 million for street repairs. The Council allocated a million dollars out of revenue sharing this year for street work, that we have not been able to do in the past but as Council recalls we only put that money into major roads and the City has over 400 miles of street to deal with. I think I do have the advantage of the crystal ball that the Council doesn't have or all the employees collectively or all the citizens because I deal with all the problems of all the groups. I know more about the operations

Vice-Mayor Price said Council discussed the tax credit benefits during today's work session and Council, later during the meeting, would consider a resolution relative to this agreement with the N. C. Local Governmental Employees Retirement System. She said, however, that this tax credit would not affect the Asheville Police Department as they are not members of the Local Governmental Employees Retirement System. She said it would benefit the employees who are members.

Councilman McDevitt noted that the tax credit benefit would be optional for employees. He said employees could elect whether or not to receive the tax credits.

Mayor Trantham made the following statements relative to the 1982-83 Budget:

"I have been working on budgets - City and County for 17 years and I have been through three revaluations. In 1965, the County tax rate was \$2.10. In the revaluation year of 1974, the County rate was reduced from \$1.14 to 73¢. This year, the County is talking of cutting from 87¢ hoping they can hold at 60¢ - this is a 31% reduction. The City Manager recommended a City rate reduction from \$1.07 to 66¢ which was a 38% reduction and the majority of the Council wants to cut this to 55¢ which would be a 48-1/2% reduction. It also seems that a majority of the Council are not sensitive to the needs of the City and the future of the City. They are only interested in the Regan approach in Washington which is "Cut regardless of consequence - help the rich get richer and the poor get poorer." I'll guarantee you that a 55¢ rate will end up affecting the poor, the elderly and the moderate income individuals. The Asheville budget is not the same as the federal budget - we have cut for five years, we have a balanced budget and we have improved service, and we have improved working conditions, pay and benefits because five years ago we were far behind.

In all fairness and for the welfare of the majority, I cannot vote on a tax rate this low, for it will work a hardship on us for years to come. To put in a tax rate of 55¢ will go down as another Council decision that will be knocked for years in the future like the unfunded 1939 Police/Fire Pension.

For the first time in my entire history of 17 years in doing budgets, I voted for a tax increase last year of 10¢. This brought in \$739,000 in additional revenues. City department heads also cut \$900,000 from expenses. Imagine where we would be now if this had not been done - well, we would not have had \$1.3 million to put in expenses for 1982-83 from fund balance.

The City of Asheville has worked for years on downtown revitalization because the town has decayed and deteriorated - we have just finished a major 6-month Mayor's Task Force study to implement a plan - the Revitalization Commission worked tirelessly to bring something into action. When are we going to take some positive action?

Mayor Trantham then called on each Councilmember who made the following comments:

Councilman Pless - "I appreciate all the comments of all the individuals out there that have spoken on behalf of themselves or a group. But, I resent the department heads being directed to be here today to give us this sermon - by the Mayor or the City Manager or whoever it is."

Mayor Trantham - "I'll take responsibility for that."

Councilman Pless - "Quite a few of you people - when I ran for office - talked to me quite a bit about things that were wrong in the City - that you wanted to change when I got elected to this office - I'm trying my best to do that."

We have sat in budget meetings for many, many hours and, in fact, this morning in the budget meeting where we changed the tax rate from 55¢ to 58¢ to try to help the City employees - there were some of us that were not there - who were out writing political speeches.

I tried to get for the City employees - as far as bonuses or benefits - something installed that would help the low man on the totem pole get extra money and not necessarily to give a raise to department heads and things like that. I was told that this was impossible - we could not do this.

We ask concerning - and as most of you know - I have often made the statement - publicly - that I think there is quite a bit of fat in the City administration - and I still believe so. I was asked if there was any type of policy where some jobs could be eliminated and I was not talking about the man out on the street doing the work. I was talking about the manager end of it - the City Hall end of it. We have no layoff policy in the City of Asheville. There are some jobs here where we have retired people that are getting paid pretty hefty salaries - this in effect - as far as I'm concerned is double-dipping and I don't go along with it.

The City Manager made the statement a few minutes ago that service is by who you know - I'm not aware of how that kind of management could be operated - I do know this - and you people sitting out there - a few months ago that a proposal was made to the City Council to buy new cruisers for the City of Asheville and I objected to it on the day it was proposed because I didn't have any knowledge of it - of what was going on as far as the cruisers you needed. The Police Department - I got word back - was told - at least some of you told me and some of you that are sitting there now told me - that you were told because of Joe Pless you were not going to get new cruisers. The following week I supported the fact of buying cruisers if those cruisers were given to the men to be put on the line as patrol - we bought 12 cruisers - how many is on the line as patrol? - We wasted money on 2 cruisers, gentlemen. Money that could have gone to your benefit. The Fire Department has made requests on top of requests by the men to make changes - and if you'll get March 3rd paper - you'll see what the comment the City Manager made to the men trying to make the changes - "If you don't go along with City policy, we are not interested in what you have to say." If you get your March paper and read that.

of the City than anyone else and I do feel that the 66¢ tax rate budget is in the best interest of the City. We have made too many cuts in previous years to consider the proposed severe cut in ad valorem tax. All we really projected was the same tax income as 81-82 with the usual 3-1/2% growth factor. The problem is revaluation. A major cut below 66¢ that I recommended is too broad and too deep. It's really short-sighted. In the long run it will affect the very people that a lower tax rate is proposed to help. Our projections now indicate a tax rate increase of somewhere around 17¢ next year that the Council would be looking at. I think this - in the long run -- will do a disservice to the residential taxpayer in that we will see a significant loss of state shared revenues and a loss in federal revenues in terms of revenue sharing. Also in a year of considering major cut backs in materials, and trying to reallocate job responsibilities whenever there are vacancies in budget attrition, I recommend that we retain the pay plan and the longevity pay due to these major work load levels.

We have --- levels of supervisory personnel and our supervisors are working supervisors. A decision for a low tax rate is leading the City to a service direction of management by crisis; service by complaint, and I'm afraid service based on who you know not because of where you live and because you deserve it and that is what we tried to generate in every city department that every level of citizen - every geographical area of the city -- deserves the same level of service. I'm afraid also that in a major cut that we are considering in terms of tax rate that we are postponing a major decision which will be facing us within a few months and that would be a major personnel cut back next year or a major tax increase - those are the only alternatives that I see at this point."

Mayor Trantham then called on each director of a city department who made remarks in support of the proposed 66¢ tax rate and defended the performance pay and longevity plan for the city employees. Those department heads speaking were: William F. Wolcott, Jr., Chief Fred Hensley, Chief P. N. Ball, Ray L. Kisiah, Clark Brown, Larry Fisher, Bill Murphy, Logan Delany, Sam Graves, Verl Emrick, and Becky Williams.

The following city employees made statements requesting Council to retain the pay plan and the longevity pay for city employees:

"Chick" Dillingham, Asheville Police Department
 Bill Wilmer, Street Division
 Dave Daniels, Asheville Fire Department
 John Miall, Employee Services Department
 Alvin Kincaid, Street Division

Mr. William Phiffer, Chairman of the Parks and Recreation Board, spoke in support of the proposed 66¢ tax rate.

Ms. Jean Webb, with Quality Forward, also spoke relative to the 1982-83 Budget.

I stay booked two and three months at a time to make talks, welcomes, and what have you. I have commitments when people have me on their program, I have to do. The fact is today, I was in and out three or four times. I had three calls from Raleigh. As Mayor of this City, it is my duty to carry out the duties that are imposed upon me and that is what I am going to do. I certainly appreciate the employees coming up today. I expressed my feelings and there is no use going back into that again. As long as I'm Mayor of this City I'm going to look out for the interest of the employees, regardless of who they are."

Councilwoman Frank - "I would like to say that I think all of us are very uneasy because of the economy right now. We feel that it is our responsibility as City Councilmen to be looking out for the city taxpayer.

I want all of you to understand that we have gone down from a proposed 82¢ tax rate today to a 58¢ tax rate. I also want you to understand that we are not talking about freezing this longevity pay in perpetuity. We are talking about it for this year and we are hoping that the economy is going to improve.

I'd like to say one other thing, one of the gentlemen referred to what would be good politics for us to do as far as the tax rate we set right now. If we wanted to be completely political about this, we would set a very high tax rate today and then all of us could coast from now on. But we feel that it is our responsibility to look at the line item budgets and look at the comments that all the department heads made after we sent in our proposals to cut this and we feel that we could get along with less. I'd like for you to understand this."

Councilman Wilkes - "Mr. Mayor and members of Council and to all of our people who have come to voice their opinion, I'm most appreciative of seeing all of you.

I'm in a very precarious situation because I represent two entities. First, I try to represent Almighty God and then I try to represent you. So, therefore, I have some certain mandates on me that other persons don't have. The mandates I have on me is that I am obligated to feed the hungry. I'm obligated to clothe the naked. I am obligated to set at liberty those that are in prison and that's my obligation and I can not deter from that. I have been talking about - ever since we have been here - in our budget deliberations - I have been talking about, please give me the pay package back for the employees - and what we have allowed ourselves to do is - is to come into an area of which I think we have limited experience in and one of the things in particular I'd like to point out - we have asked the Police Department to provide walking patrolmen in the downtown area and the patrolling officers would come to us to the tune of \$72,000 per year, without additional revenue. Now, how we are going to do that, I don't know. Then we say to cut the transportation budget which would erode the bus service, then we will have a safe city with nobody downtown.

I hope that you people don't think that the four new Councilmen, that were elected, are up here trying to take anything at all away from you. We are trying to change the direction that the City is moving and increase the benefits to everybody.

Now, following this discussion today, gentlemen, I'm going to tell you now, because those of you that have talked to me have known that I'm very outspoken - and I'll say what I think - I'm going to introduce a resolution that will request the Civil Service Board to give the City Council a layoff policy. Now, that doesn't mean that you gentlemen out there on the streets - whether you are working on the streets, whether you are policing the street, whether you are a fireman - that doesn't mean that you are going to get laid off - but we have to have this because there is "fat" in the management end of it and we got to have it in order to make the reduction.

If I have misled anyone - or if anyone has lost confidence in me - because of my approach and what I've done for the City, I will beg your forgiveness. But, when I stand up here and I talked to department heads and they tell me that - Joe, you know we can cut \$2,000-3,000 or we can take \$10,000 out of our budget then don't tell me there is not fat in that budget. Thank you."

Councilman McDevitt - "I'd like to thank all of you for coming. I appreciate hearing from everyone who spoke and I'm glad to hear from the department heads. I want to assure you that I read - the rather voluminous report - rather detailed reports - that each of you submitted about your budgets and about the activities of your departments. I have some further comments that I'll probably make during the course of our discussion and deliberations on the budget ordinance itself."

Vice-Mayor Price - "There was a statement that I did in a welcome this week that said "Why they're saints, saints" and it went on to say one aspect is that they kept silent when they would like to speak. I'm glad that you all are not saints and that you did speak out when you wanted to speak.

Although I think you are terrific - as you already have assumed by what you have heard and I'll say by what you have read - there is a difference and I think that difference in philosophy has come out, perhaps more than before as Councilman Pless spoke on his opinion of city administration. I support Ken Michalove and I support our department heads. I know we can make changes and I know we can tighten up because it is necessary - it should not be done at the expense of the employee whatever they are paid. I think the 66¢ tax rate is reasonable - and I hope to get the opportunity to support it later. Thank you."

Mayor Trantham - "Councilman Pless made a remark about one of the members being out writing a political speech - of course, he didn't call any names - I'm sure he didn't mean me, but at the same time I wrote my speech night before last - the fact is I was back up here at 5 o'clock the next morning to finalize it.

accumulated over a period of time from income derived and has not been spent. The efforts on the part of the City Council in relation to line item budget cuts related to just this point. Let's don't budget funds we are not going to spend.

I think we as City Council persons serve a dual purpose. We serve not only the citizens of Asheville but - also we have a responsibility for the employees of the City of Asheville. We have concern for you. There has been a lot of talk - that's true - over the last two to three weeks concerning the possibility of cuts but it was just that - it was talk - it has been reported in the newspaper but in Council work sessions many avenues are explored before we get to what we finally get to what we consider to be a consensus on the part of Council members for budget figures. We are not cutting one employee in the City of Asheville in the coming year. We have retained the merit pay increases as proposed in an on-going city budget. The only item that has been cut has been longevity pay and I understand this is a serious problem for many employees but I don't think it will prove fatal. This is a freeze for one year only and I would certainly expect that over the next year that the City Council could find ways, if it was necessary to cut in other areas, that would enable us to put the longevity pay back into effect next fiscal year.

So when you look at the effects of the budget that we are now discussing the only real dollar loss is in longevity pay. The freeze on unfunded positions is not going to affect people who are not working. The line item budget cuts is not made on actual expenditures. It was based on budget representations that have not been realized in the past.

In our dual purpose as City Council persons we not only serve the employees of the City of Asheville but we also serve the taxpayers of the City of Asheville. We serve those taxpayers who would be adversely affected by a 38% increase in their property taxes. This would affect you as well as them and that is what the City Manager's 66¢ budget represented.

So, it is a fine line that we walk as members of City Council. I think we try to do our best - it is not easy for any of us - but I think we have worked long and hard to come up with the proposals that we have today. Thank you."

Mayor Trantham closed the public hearing at 6:47 p. m.

Vice-Mayor Price moved that the 66¢ budget proposed by the City Manager be read for Council consideration with the exception that the line items suggested by Council, \$448,000, be placed in Contingency Fund. This motion was seconded by Councilman Wilkes.

On a roll call vote, Vice-Mayor Price's motion failed with Mayor Trantham, Councilman Wilkes and Vice-Mayor Price voting "aye" and Councilwoman Frank, Councilmen Pless, McDevitt, and Myers voting "no."

People must - the people that this budget is hurting is the average working person. Look at what a tax rate would do - that we have proposed at this time - it cuts the budget for the business person downtown or any other place, his taxes are lower. There is no way to get equity there. But, there is some way we can keep from eroding our tax structure.

The other thing we talked about is a freeze on employment which will greatly affect - which I am most concerned about - our Affirmative Action Program. We have just begun to hire blacks and females - by freezing that program - that freezes us out of the entry level. I want that loudly understood. We just started hiring minorities and women and then we suddenly cut it off - and then I'm reminded every time somebody says something about stopping something this year and beginning it next year. They told me that about eight years ago when they said they were going to put a tax on food and next year they are going to take it off and we are still paying the tax on food. Once government begins to legislate things it is hard to retract things. I'm concerned about your welfare. I'm concerned about the pay package and longevity. I've asked for it - I've begged for it and I've come to this point. But, I was willing to get some part of it to settle with a 58¢ tax rate to give you your pay package, without longevity, but it was better than what I had to start off with. That has been my argument the whole time. I empathize with you and I sympathize with you. I agree with the young man back there. If you don't like what is going on now get rid of it next time. I agree with that - that's your right to vote and we hope you get out and do that. But in the meantime, we have to look at the effect of our budget that is going to have on us in years to come and next year the proposed tax rate that we have now will give us a deficit of somewhere over 2 million. I don't know how we are going to overcome that. I'm concerned - so concerned that I have a letter prepared - laying right in front of me - that if things go like they are going I'm going to present that letter. I appreciate your comments. Thank you so very much."

Gordon Myers - "Mayor, thank you. Referring back to some of your earlier comments I'm sure that we all are concerned with the decay, as you put it, with the inner-city in Asheville and the decrease in population over the last several years, but I submit to you that these circumstances have not come about under the administration of the present City Council.

I would like to address the concern on the part of many department heads concerning line item cuts in the budget. The budget cuts that we proposed by the City Council were based on actual expenditures - money expenditures by city departments over the last two years. So, while the current cuts is an adequate representation in relation to budget, I don't think it is realistic in relation to what has actually been spent by the City. I think the posture that the City Council has tried to maintain across the board is the fact that there may have been costs projected built in to the line item budgets that would not be actually realized or spent. When you look at the City's current fund balance - and Bob, what is that now? - (Bob Wurst - "estimated to be about 2.365 as of June 30") - This fund balance is derived primarily from the unexpended funds from prior years budgets. In other words the City currently has 2.3 million that it has

I find myself questioning some of my own actions and I must say that I am deeply troubled with myself.

Rather than not feel good about myself or my role as a councilperson, I must request that Council receive and accept my resignation effective June 30, 1982.

I will serve in any way that I can to benefit my fellowman as well as all citizens of Asheville. Therefore, I humbly submit my resignation so that I might get busy about my Father's work.

Your humble servant,

/s/ H. C. Wilkes

H. C. Wilkes
Councilman

HCW:msb

Mayor Trantham said he would not accept Councilman Wilkes' resignation and ask him to reconsider his decision.

Bob Wurst read the budget ordinance levying a 58¢ tax rate.

After discussion and after a ten (10) minute recess of Council, Councilman Pless moved that the budget ordinance be amended to reinstate the pay plan in its entirety, allowing the City Manager to find the funds within the 58¢ budget to fund the pay plan, with instructions to the City Manager to commence with a 30 percent reduction in the salaries of Council members. This motion was seconded by Councilman Myers.

On a roll call vote, Councilman Pless' motion passed with Mayor Trantham voting "no" and Vice-Mayor Price, Councilwoman Frank, Councilman Pless, Councilman McDevitt, and Councilman Myers voting "aye", and Councilman Wilkes "abstaining."

Councilwoman Frank moved for the adoption of Ordinance No. 1277 as amended. This motion was seconded by Councilman Pless.

On a roll call vote of 4-3, Ordinance No. 1277 passed on first and final reading, with Mayor Trantham, Vice-Mayor Price, and Councilman Wilkes voting "no" and Councilwoman Frank, Councilman Pless, Councilman McDevitt and Councilman Myers voting "aye."

Complete text of Ordinance No. 1277 will be found in Ordinance Book No. 9 at page 338, 339, and 340.

The City Manager said he felt it was important to note that the pay package approved by Council does not include an across the board pay increase as this was not proposed in the 66¢ tax rate budget. He said the pay package does include the performance pay and longevity pay.

Councilman Wilkes moved that the 60¢ tax rate budget ordinance be read for Council consideration, allowing the longevity pay plan to be allocated. This motion was seconded by Vice-Mayor Price.

On a roll call vote, Councilman Wilkes' motion failed with Vice-Mayor Price and Councilman Wilkes voting "aye" and Mayor Trantham, Councilwoman Frank, Councilmen Pless, McDevitt, and Myers voting "no." (Mayor Trantham commented that he would not vote "aye" on any proposal except the 66¢ proposed tax rate)

Councilwoman Frank moved that the 58¢ tax rate budget ordinance be read for Council consideration. This motion was seconded by Councilman Pless.

On a roll call vote, Councilwoman Frank's motion passed with Councilwoman Frank, Councilmen Pless, McDevitt, and Myers voting "aye" and Mayor Trantham, Vice-Mayor Price and Councilman Wilkes voting "no."

At this time Councilman Wilkes read the following letter:

June 17, 1982

The Honorable Roy M. Trantham
Mayor, City of Asheville
PO Box 7148
Asheville, North Carolina 28807

Dear Mayor Trantham:

It appears as if we are confronted with some hard economic decisions that will effect jobs, programs and services that I feel are essential to this community. Because of our economic situation there are some things that must be cut or eliminated, and many of these things are contrary to my professed faith. I am having a very difficult time within myself confronting such decisions that actually cut at the very heart of my beliefs.

I am mandated by God to feed the hungry, clothe the naked and set at liberty those that are captives. It is my nature to show compassion, but in this process I must be pragmatic rather than compassionate and I have some trouble within myself when it comes to dealing with my fellowman without compassion, I cannot deal with what is equitable or fair. I must confront that which is right. It is right in my opinion that councilmembers should respond to the needs of this community, and that all of its citizens should benefit from government and its decisions.

There is more to government than lowering the budget at the expense of those who pay the budget.

I have wrestled with these decisions that appear to require no compassion, hard nose cuts to reach a certain tax rate or majority.

100

RESOLUTION NO. 82-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SIX ASSOCIATES, INC. FOR ALTERATIONS TO CITY BARN

7. Consideration was given to a resolution authorizing the City Manager to execute an agreement with Six Associates, Inc. for alterations to City Barn.

The City Manager read the resolution stating that the North Carolina Department of Transportation intends to widen and improve Valley Street and the improvements will require alterations and renovations to the City Barn. Six Associates Inc. is familiar with the peculiarities and problems of the design work required to make the alterations and renovations. This resolution will authorize an agreement with Six Associates, Inc. for said alterations to the City Barn.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-103 was unanimously adopted.

Complete text of Resolution No. 82-103 will be found in Resolution Book No. 13 at page 243.

RESOLUTION NO. 82-104 - RESOLUTION REQUESTING LAY-OFF POLICY FROM CIVIL SERVICE BOARD

8. Consideration was given to a resolution requesting lay-off policy from Civil Service Board.

Councilman Pless read the resolution which requests the Civil Service Board to develop a lay-off policy to be presented to the City Council for consideration on or before October 1, 1982.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-104 passed with Mayor Trantham voting "no."

Complete text of Resolution No. 82-104 will be found in Resolution Book No. 13 at page 244.

PROCLAMATION - "WE CARE PROGRAM" - COMMENDING

Mayor Trantham made a proclamation commending the 11th Congressional District Black Leadership Caucus for their leadership in the development of the "We Share" program.

Mayor Trantham, in supporting the proclamation, made a contribution to the "We Share" program.

COUNCILWOMAN FRANK - DISCUSSION RE: INCREASE OF TAX COLLECTION RATE

Councilwoman Frank said she felt Council should consider a resolution urging the Tax Collector to increase the tax collection rate.

RESOLUTION NO. 82-102 - RESOLUTION TO ELECT A TAX SHELTER OF EMPLOYEES' CONTRIBUTIONS PAYABLE AS MEMBERS OF THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

5. Consideration was given to a resolution to elect a tax shelter of employees' contributions payable as members of the North Carolina Local Governmental Employees' Retirement System.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-102 was unanimously adopted.

Complete text of Resolution No. 82-102 will be found in Resolution Book No. 13 at page 242.

ORDINANCE NO. 1278 - AN ORDINANCE ESTABLISHING THE SIDEWALK PROGRAM AS A PROJECT OF THE GENERAL CAPITAL PROJECT FUND

6. Consideration was given to an ordinance establishing the sidewalk program as a project of the General Capital Project Fund.

The City Manager read the ordinance which stated that it has been determined that a program of sidewalk improvements needs to be undertaken. \$200,000 was set aside in the Fiscal Year 1981-82 Budget for the sidewalk program. This ordinance will establish and appropriate funds for the life of each named project: General appropriation \$61,765; Depot Street Project - \$75,000; Hillside Street Project - \$13,235; and Downtown Project - \$50,000.

Councilman Wilkes moved for the adoption of Ordinance No. 1278. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1278 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1278. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1278 passed on second reading.

Councilman Wilkes moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1278. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1278 passed on third and final reading.

Complete text of Ordinance No. 1278 will be found in Ordinance Book No. 9 at page 341.

The City Manager read the resolution which stated that Blue Ridge Structure Company is low bidder for the construction of the Eagle Street/Police Parking Lot Retaining Wall.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-107 was unanimously adopted.

Complete text of Resolution No. 82-107 will be found in Resolution Book No. 13 at page 247.

RESOLUTION NO. 82-108 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE SKYLAND VOLUNTEER FIRE DEPARTMENT, INC. FOR FIRE PROTECTION SERVICES IN THE AIRPORT ANNEXATION AREA

Consideration was given to a resolution authorizing the Mayor to sign an agreement with the Skyland Volunteer Fire Department, Inc. for fire protection services in the Airport Annexation Area.

The City Manager read the resolution.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, Resolution No. 82-108 was unanimously adopted.

Complete text of Resolution No. 82-108 will be found in Resolution Book No. 13 at page 248.

COMMENTS BY LEO FERGUSON - RELATIVE TO "WE SHARE" PROGRAM AND COUNCILMAN WILKES' RESIGNATION LETTER

Leo Ferguson thanked the Mayor for supporting the "We Share" program and the 11th Congressional District Black Leadership Caucus.

Mr. Ferguson also asked Councilman Wilkes to table his letter of resignation from Council.

RALPH BISHOP - COMMENTS RELATIVE TO 1982-83 BUDGET

Ralph Bishop commended Council for holding down the tax rate and not taking action on any city employees job.

COUNCILMAN McDEVITT - COMMENTS RELATIVE TO BUDGET AND COUNCILMAN WILKES

Councilman McDevitt said the budget process has been long and painful. However, he said he looked forward to working together with all members of Council with good spirit and cooperation. He also joined with Mr. Ferguson in requesting Councilman Wilkes to reconsider his resignation.

ADJOURNMENT

Upon motion, the meeting adjourned at 8:20 p. m.

Wayne Harrison
MAYOR

William J. McDevitt
CITY CLERK

RESOLUTION NO. 82-105 - RESOLUTION ESTABLISHING THE QUALITY FORWARD SCULPTURE PROJECT FUND

Consideration was given to a resolution establishing the Quality Forward Sculpture Project Fund.

The City Manager read the resolution which would establish a fund entitled the "Quality Forward Sculpture Project Fund." This fund would receive contributions for the Quality Forward Sculpture Project and at the appropriate time or times transmit all contributions received to Quality Forward to be used by them to ensure the completion of the project.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-105 was unanimously adopted.

Complete text of Resolution No. 82-105 will be found in Resolution Book No. 13 at page 245.

PROCLAMATION - JUNE 25 - 27, 1982 - "BRIDGE WEEK-END"

Mayor Trantham proclaimed June 25-27, 1982 as "Bridge Week-end."

RESOLUTION NO. 82-106 - RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF EAGLE STREET ON SATURDAY, JUNE 26, 1982 FROM 12:00 NOON TO 4:00 P.M.

Consideration was given to a resolution authorizing the temporary closing of Eagle Street on Saturday, June 26, 1982 from 12:00 Noon to 4:00 p. m.

The City Manager read the resolution stating that the purpose of the closing is for the "YMI Celebration of a New Beginning" events.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-106 was unanimously adopted.

Complete text of Resolution No. 82-106 will be found in Resolution Book No. 13 at page 246.

CLAIMS - GENEVIEVE HASTINGS (PUBLIC WORKS) - CURTIS SCOTT (WATER & SEWER)

The City Manager presented claims received from Genevieve Hastings and Curtis Scott.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 82-107 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH BLUE RIDGE STRUCTURE COMPANY FOR THE PROJECT KNOWN AS EAGLE STREET POLICE PARKING LOT RETAINING WALL

Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Blue Ridge Structure Company for the project known as Eagle Street Police Parking Lot Retaining Wall.

It being the consensus of Council to allow the staff to withdraw the rezoning request, Mayor Trantham closed the public hearing at 4:12 p. m.

RESOLUTION NO. 82-109 - RESOLUTION OF APPRECIATION TO CAPTAIN CLAUD W. GENTRY

3. Consideration was given to a resolution of appreciation to Captain Claud W. Gentry.

The City Manager read the resolution stating that Captain Gentry has been an employee of the City of Asheville Fire Department since 1946 and announced his retirement effective May 1, 1982.

Upon motion of Councilman McDevitt, seconded by Councilman Wilkes, Resolution No. 82-109 was unanimously adopted.

Complete text of Resolution No. 82-109 will be found in Resolution Book No. 13 at page 249.

RESOLUTION NO. 82-110 - RESOLUTION OF APPRECIATION TO SUPERINTENDENT DONALD E. McCURRY

4. Consideration was given to a resolution of appreciation to Superintendent Donald E. McCurry.

The City Manager read the resolution stating that Superintendent McCurry has been an employee of the City of Asheville Fire Department since 1954 and announced his retirement effective June 1, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-110 was unanimously adopted.

Complete text of Resolution No. 82-110 will be found in Resolution Book No. 13 at page 250.

RESOLUTION NO. 82-111 - RESOLUTION OF APPRECIATION TO FIRE FIGHTER WILLIAM G. HENDERSON

5. Consideration was given to a resolution of appreciation to Fire Fighter William G. Henderson.

The City Manager read the resolution stating that Fire Fighter Henderson has been an employee of the City of Asheville Fire Department since 1962 and announced his retirement effective June 1, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-111 was unanimously adopted.

Complete text of Resolution No. 82-111 will be found in Resolution Book No. 13 at page 251.

111

Thursday - July 1, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Larry McDevitt, Joe Pless, H. C. Wilkes and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the June 24, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the June 24, 1982 meeting were unanimously approved as submitted.

**PUBLIC HEARING - REZONING PROPERTY ON CRAYTON ROAD -
PROPERTY OWNED BY MR. E. F. WOLFE - REQUESTED BY CITY'S ECONOMIC
DEVELOPMENT DEPARTMENT**

2. A public hearing was held relative to rezoning property on Crayton Road from R-3 Medium Density Residential District to LI Light Industrial District.

Mayor Trantham opened the public hearing at 4:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at its meeting held June 2, 1982 considered the request of the City's Economic Development to study the possible rezoning of Ward 7, Sheet 15, Lots 85, 85-1/4, and 229 from R-3 Medium Density Residential District to LI Light Industrial District. Mr. E. F. Wolfe, Administrator of the Crayton Estates, concurs in the request. The Chamber of Commerce also had input into the request. After review and discussion, the Commission voted to recommend to City Council that Lots 85 and 229, Ward 7, Sheet 15, be rezoned to LI Light Industrial District with the stipulation that a satisfactory buffer strip of 20' be established on the east line of Lot 85 in either natural woodland or planted woodland.

Mr. Emrick said since the June Board meeting, conversations were held with Council members and neighborhood residents. He said since the committee and staff members are unaware of a developer for the property and due to the concerns of the property owners, the staff is requesting that Council allow the staff to withdraw their rezoning request until a developer is interested in the property in question.

PUBLIC HEARING - REZONING PROPERTY ON CARIBOU AND SWEETEN CREEK ROAD - PROPERTY OWNED BY MR. PETER FEISTMANN -REQUESTED BY CITY'S ECONOMIC DEVELOPMENT DEPARTMENT

9. A public hearing was held relative to rezoning property on Caribou and Sweeten Creek Road from R-3 Medium Density Residential District and HI Heavy Industrial District to LI Light Industrial District.

Mayor Trantham opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at its meeting held June 2, 1982 considered the request of the City's Economic Development Department to study the possible rezoning of Ward 7, Sheet 15, Lot 233, and Ward 7, Sheet 18, Lot 556, from R-3 Medium Density Residential District and HI Heavy Industrial District to LI Light Industrial District. Mr. Peter Feistmann, owner of the property, concurs in the request. After review and discussion, the Commission voted to recommend to City Council that a portion of Lot 233, Sheet 15, Ward 7, and Lot 556, Sheet 18, Ward 7, be rezoned from R-3 Residential District and HI Heavy Industrial District to LI Light Industrial District; and that Lots 632 and 633, Sheet 18, Ward 7, be rezoned from HI Heavy Industrial District to LI Light Industrial District.

By the use of a map, Mr. Emrick reviewed the location of the property in question.

Mr. Peter Feistmann, of Vale, Colorado, said he is a former resident of Asheville and the owner of a substantial portion of the property in question. He said he also represents the remaining owners in a partnership known as "Doctors Office Building Associates." He said at this point in time there are no plans for the property, however, it is felt that the best use of the property is for a hotel/motel facility. He said the owners intend to use Sweeten Creek Road as a primary access which should put to rest some of the objections of the neighborhood.

Mr. Feistmann, by the use of a map, reviewed areas whereby the Planning and Zoning Commission recommended buffering requirements. He said the owners have no objections to buffering requirements and in fact encourage buffering strips on both sides.

Virgil McConnell, Chairman of the Shiloh Advisory Council, said he represents the community in Shiloh. He said the majority of the residents in the area do not want the property rezoned. However, being that a development would be in the best interest of the City, they would voice less objections if they could get some concessions from Council that when the property is sold and developed that no access entrance would be through Robinson Avenue or off Caribou Road; that no junk yard be placed on the property and that no pollution, excessive noise or odor would be on the property.

RESOLUTION NO. 82-112 - RESOLUTION OF APPRECIATION TO FIRE DRIVER
CECIL R. TREXLER

6. Consideration was given to a resolution of appreciation to Fire Driver Cecil R. Trexler.

The City Manager read the resolution stating that Fire Driver Trexler has been an employee of the City of Asheville Fire Department since 1964 and announced his retirement effective May 1, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-112 was unanimously adopted.

Complete text of Resolution No. 82-112 will be found in Resolution Book No. 13 at page 252.

RESOLUTION NO. 82-113 - RESOLUTION OF APPRECIATION TO FIRE DRIVER
KARL A. CARTER

7. Consideration was given to a resolution of appreciation to Fire Driver Karl A. Carter.

The City Manager read the resolution stating that Fire Driver Carter has been an employee of the City of Asheville Fire Department since 1960 and announced his retirement effective June 1, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-113 was unanimously adopted.

Complete text of Resolution No. 82-113 will be found in Resolution Book No. 13 at page 253.

RESOLUTION NO. 82-114 - RESOLUTION OF APPRECIATION TO FIRE DRIVER
HAROLD L. TRANTHAM

8. Consideration was given to a resolution of appreciation to Fire Driver Harold L. Trantham.

The City Manager read the resolution stating that Fire Driver Harold L. Trantham has been an employee of the City of Asheville Fire Department since 1953 and announced his retirement effective June 1, 1982.

Upon motion of Councilman Wilkes, seconded by Councilman Myers, Resolution No. 82-114 was unanimously adopted.

Complete text of Resolution No. 82-114 will be found in Resolution Book No. 13 at page 254.

**ORDINANCE NO. 1280 - AN ORDINANCE ESTABLISHING THE GRANBY STREET
WIDENING PROJECT AS A PROJECT OF THE GENERAL CAPITAL PROJECTS FUND**

11. Consideration was given to an ordinance establishing the Granby Street widening project as a project of the General Capital Projects Fund.

The City Manager read the ordinance explaining that the ordinance would require only one reading since it is a budget ordinance. He said it has been determined that the widening of Granby Street will contribute to the economic development of the street as a medical service area. The property owners of Granby Street have agreed to contribute fifty percent of the cost of the project. This budget ordinance will appropriate \$14,615 for the purpose of widening Granby Street.

Councilwoman Frank moved for the adoption of Ordinance No. 1280. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1280 passed on first and final reading.

Complete text of Ordinance No. 1280 will be found in Ordinance Book No. 9 at page 345.

**ORDINANCE NO. 1281 - AN ORDINANCE AMENDING THE OPERATING AND CAPITAL
BUDGET FOR THE CITY OF ASHEVILLE FOR FISCAL YEAR 1981-82**

12. Consideration was given to an ordinance amending the operating and capital budget for the City of Asheville for fiscal year 1981-82.

The City Manager read the ordinance explaining that this budget ordinance summarizes and ratifies all budget amendments approved by Council through June 30, 1982. He said this ordinance would require only one reading since it is a budget ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1281. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1281 passed on first and final reading.

Complete text of Ordinance No. 1281 will be found in Ordinance Book No. 9 at page 346.

**RESOLUTION NO. 82-115 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE
ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE
DWELLING HOUSE KNOWN AS 78 CONGRESS STREET**

13. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 78 Congress Street.

Mr. McConnell also requested that when the property is developed that the community be informed of anticipated plans in order for the residents to have input into the development.

Vice-Mayor Price noted that these concerns could be addressed in approval of a group development plan for the property.

Councilman Wilkes assured Mr. McConnell that Council would do everything possible to protect the residents of the area. He said he was very appreciative of Mr. McConnell's attitude toward development of the City.

Mayor Trantham closed the public hearing at 4:35 p. m.

Verl Emrick read the ordinance rezoning the property as recommended by the Planning and Zoning Commission.

Vice-Mayor Price moved for the adoption of Ordinance No. 1279. This motion was seconded by Councilman Wilkes. - Following the adoption of the ordinance Council directed staff to be cognizant of access problems from Robinson Avenue and Caribou Road; further that a notice be placed in the Office of Economic Development requiring that when the property is considered for development that the developers share with the Shiloh residents anticipated plans in order for the residents to have input into the development.

On a roll call vote of 7-0, Ordinance No. 1279 passed on first reading.

Councilman Wilkes moved to suspend the rules and proceed to the second reading of Ordinance No. 1279. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1279 passed on second reading.

ORDINANCE NO. 1276 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Old County Home Road)

10. Consideration was given to the second reading of Ordinance No. 1276, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, property located on Old County Home Road.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1276 passed on second reading.

Councilman Myers moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1276. This motion was seconded by Councilman Wilkes and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1276 passed on third reading.

Complete text of Ordinance No. 1276 will be found in Ordinance Book No. 9 at page 339.

RECONSIDERATION OF ORDINANCE NO. 1277 AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1982-83

16. Councilwoman Frank moved to reconsider Ordinance No. 1277 adopted on June 24, 1982 fixing the tax rate for Fiscal Year 1982-83 at 58¢. This motion was seconded by Councilman Wilkes, which motion carried on a roll call vote of 4-3, with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank, and Councilman Wilkes voting "aye" and Councilman McDevitt, Councilman Pless and Councilman Myers voting "no."

Upon inquiry of Councilman McDevitt, Corporation Counsel Moore said the staff had checked with David Lawrence at the Institute of Government and was informed that action could be taken on the 1982-83 budget on or before July 1. He said Section 12 of the Rules and Procedures of Council allows Council to reconsider actions.

Councilwoman Frank commented that during an all day work session today the City Manager pointed out that longevity pay and funding for downtown foot patrol would have to come from allocated contingency funds. She said she felt Council should increase the tax rate from 58¢ to 59¢ to put these funds back into the contingency fund.

Councilman Myers commented that he did not feel the City Manager has had ample time to look into the budget with a tax rate of 58¢ to see if the longevity pay and downtown foot patrol could be funded within that budget.

Councilman Pless expressed dissatisfaction with adopting a budget with a tax rate of 59¢. He said he felt action had been taken with complete disregard for Council's wishes.

ORDINANCE NO. 1282 - AN ORDINANCE RESCINDING ORDINANCE NO. 1277

17. Bob Wurst, Budget and Audit Director, read an ordinance rescinding Ordinance No. 1277.

Councilwoman Frank moved for the adoption of Ordinance No. 1282. This motion was seconded by Councilman Wilkes.

On a roll call vote of 4-3, Ordinance No. 1282 passed with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank, and Councilman Wilkes voting "aye" and Councilman McDevitt, Councilman Pless and Councilman Myers voting "no."

ORDINANCE NO. 1283 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1982-83 (setting tax rate at 59¢)

18. Bob Wurst, Budget and Audit Director, read an ordinance setting the tax rate at 59¢ for fiscal year 1982-83.

The City Manager read the resolution stating that it has been determined that the dwelling house known as 78 Congress Street has been found to be unfit for human habitation, unsafe, and dangerous to life. This resolution will schedule a public hearing for July 22, 1982 to consider an ordinance to demolish said structure.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-115 was unanimously adopted.

Complete text of Resolution No. 82-115 will be found in Resolution Book No. 13 at page 255 and 256.

RESOLUTION NO. 82-116 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, AND RATIFYING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 6-37-0005-07 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA

14. Consideration was given to a resolution authorizing, adopting, approving, and ratifying the execution of Amendment No. 1 to Grant Agreement for Project No. 6-37-0005-07 between the United States of America and the City of Asheville, North Carolina.

The City Manager read the resolution stating that this amendment will allow for the installation of a 7.5 kw regulator at the Asheville Regional Airport. The City of Asheville initiated the grant agreement and therefore they must approve all amendments.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-116 was unanimously adopted.

Complete text of Resolution No. 82-116 will be found in Resolution Book No. 13 at page 257.

RESOLUTION NO. 82-117 - RESOLUTION AUTHORIZING ASHEVILLE CIVIC CENTER DIRECTOR TO SUBMIT A GRANT APPLICATION TO THE COMMUNITY ARTS COUNCIL OF BUNCOMBE COUNTY

15. Consideration was given to a resolution authorizing Asheville Civic Center Director to submit a grant application to the Community Arts Council of Buncombe County.

The City Manager read the resolution stating that this will authorize the Civic Center Director to apply for a Community Arts Council grant in the amount of \$1,150 for the repair of a Steinway concert piano donated to the Asheville Civic Center.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-117 was unanimously adopted.

Complete text of Resolution No. 82-117 will be found in Resolution Book No. 13 at page 258.

RESOLUTION NO. 82-118 - RESOLUTION AUTHORIZING THE DIRECTOR OF
PARKS AND RECREATION TO MAKE APPLICATION FOR A COMMUNITY ARTS
GRANT FOR THE QUALITY FORWARD SCULPTURE PROJECT

21. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for a Community Arts Grant for the Quality Forward Sculpture Project.

The City Manager read the resolution explaining that Quality Forward has established a project to develop a sculpture for installation on Pack Square, to become the property of the City of Asheville. Grant funds are available to non-profit tax exempt agencies through the Community Arts Council for furthering the arts in Buncombe County. The City of Asheville is eligible to apply for grant funds from the Community Arts Council on behalf of the Quality Forward Sculpture Project. This resolution will authorize the submission of an application for a Community Arts grant in the amount of \$1500 for the Sculpture Project, which grant will be matched by a cash contribution of \$2000 from Quality Forward.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-118 was unanimously adopted.

Complete text of Resolution No. 82-118 will be found in Resolution Book No. 13 at page 259.

BIDS - DIESEL POWERED HYDRAULIC WHEEL LOADER

22. Consideration was given to bids received February 5, 1982 for a Diesel Powered Hydraulic Wheel Loader.

The City Manager presented the bids stating that six (6) bids were received. Recommendation of acceptance of the lowest responsible bidder, Bruce Construction Machinery Company for a John Deere Model 310A at \$24,257.62. Sufficient funding for this project is available from the Water and Sewer Department appropriation.

Vice-Mayor Price moved to accept the recommendation of awarding the bid to the lowest responsible bidder, Bruce Construction Machinery Company in the amount of \$24,257.62 as presented by the City Manager. This motion was seconded by Councilman Wilkes, which motion carried with Councilman McDevitt voting "no."

COUNCILWOMAN FRANK - AUTHORIZE LETTER TO BUNCOMBE COUNTY TAX COLLECTOR

23. Councilwoman Frank moved that the Council authorize the Mayor to write a letter to the Buncombe County Tax Collector urging him to increase his rate of collection and in the letter point out to him that we, as City Council, are responsible for providing the best service to the citizens of Asheville at the lowest possible cost and we appreciate the fact that he increased his rate of collection by 1 percent last year but we would like to ask him to step up his efforts to increase the rate of collection. This motion was seconded by Vice-Mayor Price and carried unanimously.

Councilwoman Frank moved for the adoption of Ordinance No. 1283. This motion was seconded by Councilman Wilkes.

Councilman McDevitt said he was concerned with the future of the City of Asheville in imposing a tax rate of 59¢. He said he felt it was a short range concept and does not encourage development of the City of Asheville. He said he does not think it makes sense to impose a tax rate which will discourage development in the City of Asheville.

On a roll call vote of 4-3, Ordinance No. 1283 passed with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank, and Councilman Wilkes voting "aye" and Councilman McDevitt, Councilman Pless and Councilman Myers voting "no."

Complete text of Ordinance No. 1283 will be found in Ordinance Book No. 9 at page 348, 349, 350.

ORDINANCE NO. 1284 - A BUDGET ORDINANCE AMENDMENT - SEVENTH FLOOR WINDOW PROJECT

19. Consideration was given to a budget ordinance amendment to transfer the Seventh Floor Window Project from General Revenue Sharing to the General Capital Project Fund. Funding remains unchanged at \$69,150.

The City Manager read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1284. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1284 passed on first and final reading.

Complete text of Ordinance No. 1284 will be found in Ordinance Book No. 9 at page 351.

ORDINANCE NO. 1285 - A BUDGET ORDINANCE AMENDMENT - FUNDING FOR LONGEVITY PAY AND ASSOCIATED FRINGE BENEFITS

20. Consideration was given to a budget ordinance amendment to provide funding for Longevity Pay and associated fringe benefits.

The City Manager read the ordinance.

Councilman Wilkes moved for the adoption of Ordinance No. 1285. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1285 passed on first and final reading.

Complete text of Ordinance No. 1285 will be found in Ordinance Book No. 9 at page 352.

Mr. Cheadle said this would save the City and the sign companies a lot of time. He said the sign company could mail in checks to cover permit fees. He said his proposed amendments would not be detrimental to the sign ordinance.

Mr. J. E. Johnson, Director of Inspections, said he agreed with Mr. Cheadle's recommendations. He said electrical and plumbing contractors have charge accounts with the City whereby they can call in for inspections. However, he recommended that a double fee be charged if work is started on the sign before a permit is issued.

Vice-Mayor Price suggested that Mr. Cheadle's recommendations be sent to the Planning Department for review and the Planning Department give Council their recommendation.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:00 p. m.

Raymond H. Hartman
MAYOR

William A. Halsett
CITY CLERK

ORDINANCE NO. 1286 - A BUDGET ORDINANCE AMENDMENT ESTABLISHING FUNDING FOR USE BY THE CITY MANAGER FOR EMERGENCY PURPOSES

Consideration was given to an ordinance amendment establishing funding for use by the City Manager for emergency purposes.

The City Manager read the ordinance explaining that this action is a result of a decision made in today's Council work session. He said this would establish funding for use by the City Manager for emergency purposes. The City Manager would be authorized to use this funding when in his judgement an emergency exists regarding funds not appropriated elsewhere in the budget. Any use of this fund shall be reported to Council at the next scheduled Council meeting.

Councilman McDevitt moved for the adoption of Ordinance No. 1286. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1286 passed on first and final reading.

Complete text of Ordinance No. 1286 will be found in Ordinance Book No. 9 at page 353.

INVITATION TO MEMBERS OF COUNCIL - KIDS KARNIVAL - MONDAY, JULY 5, 1982

The City Manager presented members of Council with an invitation to attend the Kids Karnival for all area children and families on Monday, July 5, 1982 from 2:00 - 4:30 p. m. on the City/County Plaza in downtown Asheville in front of the governmental buildings. Children from twenty-two summer playgrounds from around the city will make and staff activity booths for the event. Music, clowns, and stage presentations will highlight the Karnival.

CLAIMS - UPS (UNKNOWN) - BRUCE DeWEESE (WATER AND SEWER) - 7-UP (PUBLIC WORKS) - PAULINE GREGG (WATER AND SEWER) - JOHN CRADLE (WATER AND SEWER) - SALLIE RUSTIN (UNKNOWN) - EDITH KANUPP (PUBLIC WORKS)

SUMMONSES SERVED - DONNA JACKSON - CHRISTOPHER P. JACKSON - STEVEN T. JOYNER - DEBRA JOYNER - CRAIG U. JOYNER - WILLIAM CHAPMAN

The City Manager presented claims received from UPS, Bruce DeWeese, 7-Up, Pauline Gregg, John Cradle, Sallie Rustin, and Edith Kanupp. He also presented the following summonses which the city was served in connection with lawsuits in which the city is either a defendant or a respondent: Donna Jackson, Christopher P. Jackson, Steven T. Joyner, Debra Joyner, Craig U. Joyner, and William Chapman.

REQUEST OF DAVE CHEADLE - ART SIGN COMPANY - AMENDMENTS TO SIGN ORDINANCE

Mr. Dave Cheadle, with Art Sign Company, appeared before Council and requested that the following amendments be made to the Sign Ordinance: 1) Omit \$1.00 fee for signs under \$100 and allow sign company to call in for the permit; 2) Allow sign companies to call in for permits on signs under 50 sq. ft. and under \$500; 3) Clarify the definition of roof signs - not to include sign on facade of building.

PRESENTATION OF MAYOR'S DOWNTOWN TASK FORCE RECOMMENDATIONS

4. Maury Winger, Chairman of the Mayor's Downtown Task Force, made a presentation to members of Council relative to the Mayor's Downtown Task Force recommendations, which recommendations were unanimously approved by the Task Force members.

Mr. Winger outlined the recommendations of the Task Force which included that the city staff analyze and summarize all previous downtown studies; that the city study the feasibility of hiring a consultant to assist in implementing a detailed plan for downtown, offering a challenge to the City Council and County Commissioners to match a \$40,000 fund raised through private sources for the hiring of a consultant provided that the Council and County Commissioners allocate \$70,000 for this purpose; and that a final method of implementation of a downtown plan be endorsed by the City Council.

Following Mr. Winger's presentation, Mayor Trantham presented each member of the Downtown Task Force with a copy of the Mayor's Downtown Task Force Report and a letter of appreciation to each member for their work and efforts on the committee.

(A copy of the Mayor's Downtown Task Force Report is on file in the Office of the City Clerk)

RESOLUTION NO. 82-121 - RESOLUTION RESCINDING CITY COUNCIL'S ACTION EMBODIED IN RESOLUTION NO. 81-221

5. Consideration was given to a resolution rescinding City Council's action in Resolution No. 81-221, known as "RESOLUTION CONSIDERING THE ADOPTION OF THE REDEVELOPMENT PLAN FOR THE ASHEVILLE DOWNTOWN COMMERCIAL PROJECT AND THE AMENDMENT OF THE CONCEPTUAL PLAN FOR THE DOWNTOWN IMPROVEMENT DISTRICT."

Verl Emrick, Director of Planning, read the resolution explaining that this resolution will rescind Resolution No. 81-221 adopted October 1, 1981 and reinstates the original redevelopment plan adopted by Council.

Ralph Bishop spoke in opposition to a redevelopment plan.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-121 was unanimously adopted.

Complete text of Resolution No. 82-121 will be found in Resolution Book No. 13 at page 262.

PUBLIC HEARING - GROUP DEVELOPMENT PLAN FOR PROPOSED "OAKLEY MOBILE HOME PARK"

6. A public hearing was held relative to a group development review of an updated site plan of the proposed "Oakley Mobile Home Park" to be constructed on School Road in Oakley.

Thursday - July 8, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, H. C. Wilkes and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 1, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, the minutes of the July 1, 1982 meeting were unanimously approved as submitted.

RESOLUTION NO. 82-119 - RESOLUTION OF APPRECIATION TO ROBERT I. CRAYTON, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

2. Consideration was given to a resolution of appreciation to Robert I. Crayton, retiring employee of the City of Asheville.

The City Manager read the resolution stating that Mr. Crayton has been employed by the City of Asheville for over thirty years at Riverside Cemetery.

Upon motion of Councilman Myers, seconded by Councilman Wilkes, Resolution No. 82-119 was unanimously adopted.

Complete text of Resolution No. 82-119 will be found in Resolution Book No. 13 at page 260.

RESOLUTION NO. 82-120 - RESOLUTION OF APPRECIATION TO WADE B. PLEMMONS, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

3. Consideration was given to a resolution of appreciation to Wade B. Plemmons, retiring employee of the City of Asheville.

The City Manager read the resolution stating that Mr. Plemmons has been employed by the City of Asheville for over sixteen years at Riverside Cemetery.

Upon motion of Councilman Myers, seconded by Councilman Wilkes, Resolution No. 82-120 was unanimously adopted.

Complete text of Resolution No. 82-120 will be found in Resolution Book No. 13 at page 261.

Mayor Trantham closed the public hearing at 5:33 p. m.

Councilman Pless moved to disapprove the group development plan of the proposed Oakley Mobile Home Park stating that the roads in the area are too narrow to carry additional developments, overcrowding of schools in the area, and safety of residents of the area. This motion was seconded by Councilwoman Frank and carried unanimously.

Vice-Mayor Price suggested that City staff send a letter to the North Carolina Department of Transportation requesting that the road conditions in the Oakley area be reviewed and that the Planning Board review the entire area to determine a good land use plan for the area.

CONTINUATION OF PUBLIC HEARING - REQUEST FOR INCREASE IN RATES BY THOMS BROADCASTING CO., INC.

7. Continuation of a public hearing to consider an application for an increase in rates by Thoms Broadcasting Co., Inc. for cablevision service.

Mayor Trantham stated that this public hearing was continued from the June 3, 1982 meeting.

Mayor Trantham said the attorney representing Thoms Broadcasting Companies, Inc. has requested that Council continue the public hearing until October 7, 1982.

Councilman Wilkes moved to continue the public hearing relative to an increase in rates by Thoms Broadcasting Co., Inc. until October 7, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

ORDINANCE NO. 1279 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Caribou and Sweeten Creek Road)

8. Consideration was given to the third and final reading of Ordinance No. 1279, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property on Caribou and Sweeten Creek Road.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1279 passed on third and final reading.

Complete text of Ordinance No. 1279 will be found in Ordinance Book No. 9 at page 342.

Verl Emrick, Planning Director, said the Asheville Planning and Zoning Commission at a meeting held June 2, 1982 reviewed the site plan of the "Oakley Mobile Home Park" to be located off School Road in Oakley. The site plan was prepared by Ray Anders, R.L.S. for Dale Stierwalt, Developer, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to recommend approval to City Council, subject to the following requirements:

- 1) Approval of the Erosion Control Plan by the N. C. Department of Natural Resources and Community Development;
- 2) Adequate buffering as required by Section 30-3-14(A) of the Asheville Zoning Ordinance; and
- 3) Favorable review and response to a letter from Chairman Curtis Ratcliff to Mr. Joe Enderle dated June 1, 1982, directing a special study of the sewer in this area.

Mr. Emrick said this proposed development is in the extra-territorial jurisdiction of the City of Asheville and zoned R-5 Residential District which allows a mobile home park. By the use of a map, Mr. Emrick reviewed the location in question.

Mr. Emrick said there is a question about the existing sewer line capacity between the Department of Water and Sewer and the residents in the area. He said it was his understanding that the existing sewer line can handle up to 93 units, however the residents in the area disagree.

Bill J. Benfield, resident of the Oakley section, presented a petition in opposition to the group development, which petition contained 380 signatures.

Mayor Trantham and Councilman Pless, commenting on the proposed development, said they could not support the approval of the group development plan due to the fact that the roads in the area are too narrow to carry additional traffic, a new development would overcrowd the Oakley School and the safety of the residents in the area would be affected.

The following residents of the Oakley section spoke in opposition to the proposed development:

Mr. John Roberts
Mr. W. W. Graham
Mr. Jack Benfield
Mr. Harry Haynes
Mr. Bill Benfield

These individuals cited the same concerns expressed by Mayor Trantham and Councilman Pless.

Mr. Emrick said Council had the option of approving the group development plan as submitted, asking the developer to submit a redesign of the development, or denying the group development stating specific reasons for the denial.

Verl Emrick, Director of Planning, read the resolution. He said the North Carolina General Statutes require governing boards to adopt a resolution of notice of intent to annex adjacent territory.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-124 was unanimously adopted.

Complete text of Resolution No. 82-124 will be found in Resolution Book No. 13 at page 268, 269, 270.

REQUEST OF COUNCILMAN PLESS TO MEET WITH RETIRED POLICE OFFICERS

Councilman Pless said he has received quite a few calls from retired police officers relative to their retirement benefits. He said he would like for Council members to meet with these retired police officers.

Vice-Mayor Price suggested that Council have a work session on this matter before meeting with the retired officers in order to bring Council members up-to-date on what has been done for the retired officers thus far.

It was the consensus of Council to have a work session relative to retirement benefits for the retired police officers.

RESOLUTION NO. 82-125 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH HUTCHISON AND ASSOCIATES, INC.

Consideration was given to a resolution authorizing the City Manager to enter into a contractual agreement with Hutchison and Associates, Inc.

The City Manager read the resolution stating that this resolution will authorize an in-depth review of the Hospitalization/Medical insurance coverage for city employees.

Upon motion of Councilwoman Frank, seconded by Councilman Wilkes, Resolution No. 82-125 was unanimously adopted.

Complete text of Resolution No. 82-125 will be found in Resolution Book No. 13 at page 271.

CLAIMS - BETTY J. BELL - LINDA BRACKETT - MRS. GRAY BURLISON (All Water & Sewer)

The City Manager presented claims received from Betty J. Bell, Linda Brackett and Mrs. Gray Burlison.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

107

RESOLUTION NO. 82-122 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS ASCENSION DRIVE AREA, MORE SPECIFICALLY DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE ANNEXATION

9. Consideration was given to a resolution stating the intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as Ascension Drive Area, more specifically described herein, and fixing the date of a public hearing on the annexation.

Verl Emrick, Director of Planning, read the resolution. He said the North Carolina General Statutes require governing boards to adopt a resolution of notice of intent to annex adjacent territory.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-122 was unanimously adopted.

Complete text of Resolution No. 82-122 will be found in Resolution Book No. 13 at page 263-264.

RESOLUTION NO. 82-123 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS JOHNSTON SCHOOL ROAD AREA, MORE SPECIFICALLY DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE ANNEXATION

10. Consideration was given to a resolution stating the intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as Johnston School Road area, more specifically described herein, and fixing the date of a public hearing on the annexation.

Verl Emrick, Director of Planning, read the resolution. He said the North Carolina General Statutes require governing boards to adopt a resolution of notice of intent to annex adjacent territory.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-123 was unanimously adopted.

Complete text of Resolution No. 82-123 will be found in Resolution Book No. 13 at page 265, 266, 267.

RESOLUTION NO. 82-124 - RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE TO CONSIDER THE ANNEXATION OF A PORTION OF AN AREA LYING IN BUNCOMBE COUNTY, NORTH CAROLINA, GENERALLY KNOWN AS RICEVILLE ROAD AREA, MORE SPECIFICALLY DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE ANNEXATION

11. Consideration was given to a resolution stating the intent of the City of Asheville to consider the annexation of a portion of an area lying in Buncombe County, North Carolina, generally known as Riceville Road area, more specifically described herein, and fixing the date of a public hearing on the annexation.

Thursday - July 15, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Norma T. Price and Councilman H. C. Wilkes

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 8, 1982 meeting.

Verl Emrick, Director of Planning, noted that a typographical error was made in Resolution No. 82-124 which should be corrected by Council. He said page two of Resolution No. 82-124 the forty-first line should read "70 deg. 00 min. West 81 feet; South 52 deg. 45 min. West 195 feet." He said the minutes should be amended to reflect this error.

Councilwoman Frank moved to approve the minutes of the July 8, 1982 meeting with the amendment read by Mr. Emrick. This motion was seconded by Councilman Myers and the minutes of the July 8, 1982 meeting were unanimously approved as amended.

COMMENTS BY WALTER GLADDING - ASHEVILLE-BUNCOMBE DEVELOPMENT CORPORATION

2. Mr. Walter Gladding appeared before Council and said approval was received from the Small Business Association to begin the Asheville-Buncombe Development Corporation.

ORDINANCE NO. 1287 - AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN COMMISSION INCLUDING ITS COMPOSITION, TERMS OF OFFICE, AND OTHER GENERAL PROVISIONS

3. Consideration was given to an ordinance establishing the Asheville Downtown Commission including its composition, terms of office, and other general provisions.

Becky Williams, Director of Economic Development, read the proposed ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1287. This motion was seconded by Councilman McDevitt.

On a roll call vote of 5-0, Ordinance No. 1287 passed on first reading.

RESOLUTION NO. 82-126 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE INTERSECTION OF NORTH LOUISIANA AVENUE AT PATTON AVENUE, PROJECT NUMBERS 8.7384018 AND 9.8130268

Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement between the City of Asheville and the North Carolina Department of Transportation for improvements to the intersection of North Louisiana Avenue at Patton Avenue, Project Numbers 8.7384018 and 9.8130268.

The City Manager read the resolution stating that this resolution will provide for improvements at the intersection of North Louisiana Avenue at Patton Avenue.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-126 was unanimously adopted.

Complete text of Resolution No. 82-126 will be found in Resolution Book No. 13 at page 272.

RESOLUTION NO. 82-127 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT WITH THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL AND THE COUNTY OF BUNCOMBE

Consideration was given to a resolution authorizing the Mayor to execute contract with the Asheville-Buncombe Community Relations Council and the County of Buncombe.

The City Manager read the resolution stating that Article XIII, 5(c) of the Water Agreement provides that the City and County agree to share funding of the Community Relations Council on an equal basis and this resolution will provide \$60,000 from the City to this agency provided that the County adopt a similar resolution providing funding to this agency in an equal amount.

Upon motion of Councilman Wilkes, seconded by Councilwoman Frank, Resolution No. 82-127 was unanimously adopted.

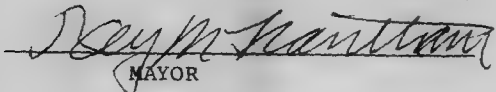
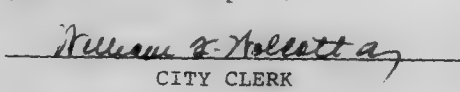
Complete text of Resolution No. 82-127 will be found in Resolution Book No. 13 at page 273.

RALPH BISHOP -COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop again made comments to City Council relative to the lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:45 p. m.

 MAYOR  CITY CLERK

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-131 was unanimously adopted.

Complete text of Resolution No. 82-131 will be found in Resolution Book No. 13 at page 277.

RESOLUTION NO. 82-132 - RESOLUTION OF APPRECIATION AND COMMENDATION OF GEORGE L. FARLOW

8. Consideration was given to a resolution of appreciation and commendation of George L. Farlow.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-132 was unanimously adopted.

Complete text of Resolution No. 82-132 will be found in Resolution Book No. 13 at page 278.

RECOGNITION OF EXCHANGE STUDENTS FROM AUSTRIA

9. Mayor Trantham recognized two exchange students from Austria. The students are staying with Luke Atkinson during their Asheville stay.

ORDINANCE NO. 1288 - AN ORDINANCE ESTABLISHING THE EIGHTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AS A CAPITAL PROJECT FOR THE CITY OF ASHEVILLE

10. Consideration was given to an ordinance establishing the Eighth Year Community Development Block Grant Entitlement as a capital project for the City of Asheville.

The City Manager read the ordinance stating that the Housing and Urban Development Area Office in a letter to Mayor Trantham, dated June 30, 1982, approved the City of Asheville's application for Community Development Block Grant Entitlement of \$1,650,000. This ordinance will establish said project.

Councilman McDevitt moved for the adoption of Ordinance No. 1288. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1288 passed on first reading.

Councilman McDevitt moved to suspend the rules and proceed to the second reading of Ordinance No. 1288. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1288 passed on second reading.

RESOLUTION NO. 82-128 - RESOLUTION OF APPRECIATION AND COMMENDATION OF GUY HERBERT MORRIS

4. Consideration was given to a resolution of appreciation and commendation of Guy Herbert Morris, a retiring employee of the City of Asheville Water Department.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-128 was unanimously adopted.

Complete text of Resolution No. 82-128 will be found in Resolution Book No. 13 at page 274.

RESOLUTION NO. 82-129 - RESOLUTION OF APPRECIATION AND COMMENDATION OF ALICE EUGENIA PENLAND

5. Consideration was given to a resolution of appreciation and commendation of Alice Eugenia Penland, a retiring employee of the City of Asheville Water Department.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-129 was unanimously adopted.

Complete text of Resolution No. 82-129 will be found in Resolution Book No. 13 at page 275.

RESOLUTION NO. 82-130 - RESOLUTION OF APPRECIATION AND COMMENDATION OF GEORGE L. GRONER

6. Consideration was given to a resolution of appreciation and commendation of George L. Groner, a retiring employee of the City of Asheville Water Department.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-130 was unanimously adopted.

Complete text of Resolution No. 82-130 will be found in Resolution Book No. 13 at page 276.

RESOLUTION NO. 82-131 - RESOLUTION OF APPRECIATION AND COMMENDATION OF MARY DUCKETT EDWARDS

7. Consideration was given to a resolution of appreciation and commendation of Mary Duckett Edwards, a retiring employee of the City of Asheville Water Department.

The City Manager read the resolution.

RESOLUTION NO. 82-133 - RESOLUTION DESIGNATING THE ASHEVILLE MUNICIPAL CREDIT UNION AS A PART OF THE GOVERNMENT OF THE CITY OF ASHEVILLE FOR INSURANCE PURPOSES

13. Consideration was given to a resolution designating the Asheville Municipal Credit Union as a part of the government of the City of Asheville for insurance purposes.

The City Manager read the resolution stating that insurance coverage can be furnished to the Asheville Municipal Credit Union at no additional cost if the governing body of the city passes a resolution making the credit union a part of the city structure for insurance purposes.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-133 was unanimously adopted.

Complete text of Resolution No. 82-133 will be found in Resolution Book No. 13 at page 279.

PROCLAMATION - BELE CHERE FESTIVAL - JULY 29, 30, 31 AND AUGUST 1, 1982

14. Mayor Trantham proclaimed July 29, 30, 31, and August 1, 1982 as "Bele Chere Festival."

RESOLUTION NO. 82-134 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION RELATIVE TO THE BELE CHERE FESTIVAL

15. Consideration was given to a resolution authorizing certain official action relative to the Bele Chere Festival.

The City Manager read the resolution stating that this resolution will authorize the closing of certain streets; will waive provisions of the code relative to selling on streets and sidewalks and the use of streets and sidewalks for demonstrations; will waive provisions of the Revenue Ordinance relative to privilege licenses; will waive provisions of the Sanitation Code; will waive parking fees on certain parking lots; and waive provisions of the Sign Ordinance during the Bele Chere Festival.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-134 was unanimously adopted.

Complete text of Resolution No. 82-134 will be found in Resolution Book No. 13 at page 280-281-282.

Councilman McDevitt moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1288. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1288 passed on third and final reading.

Complete text of Ordinance No. 1288 will be found in Ordinance Book No. 9 at page 356.

ORDINANCE NO. 1289 - A BUDGET ORDINANCE AMENDMENT ESTABLISHING THE FISCAL 1983 STREET PAVING PROGRAM

11. Consideration was given to a budget ordinance amendment establishing the Fiscal 1983 Street Paving Program.

The City Manager read the ordinance stating that this ordinance will establish the Fiscal 1983 Street Paving Program as a capital project with \$1,000,000 funding from General Revenue Sharing.

Councilwoman Frank moved for the adoption of Ordinance No. 1289. This motion was seconded by Councilman Myers.

On a roll call vote of 5-0, Ordinance No. 1289 passed on first and final reading.

Complete text of Ordinance No. 1289 will be found in Ordinance Book No. 9 at page 358.

ORDINANCE NO. 1290 - A BUDGET ORDINANCE AMENDMENT PROVIDING FOR FUNDING FOR THE CITY'S SHARE OF THE RIVER RIDGE SHOPPING CENTER WATER LINE

12. Consideration was given to a budget ordinance amendment providing funding for the City's share of the River Ridge Shopping Center water line.

The City Manager read the ordinance stating that this budget amendment in the amount of \$31,168 will provide funding for the City's share of the River Ridge Shopping Center waterline.

Councilman Myers moved for the adoption of Ordinance No. 1290. This motion was seconded by Councilman Pless.

On a roll call vote of 5-0, Ordinance No. 1289 passed on first and final reading.

Complete text of Ordinance No. 1290 will be found in Ordinance Book No. 9 at page 359.

RESOLUTION NO. 82-137 - RESOLUTION OF INTENT TO CLOSE A PORTION OF MELROSE AVENUE AND CALLING A PUBLIC HEARING ON THE QUESTION FOR AUGUST 19, 1982

18. Consideration was given to a resolution of intent to close a portion of Melrose Avenue and calling a public hearing on the question for August 19, 1982.

The City Manager read the resolution stating that a petition has been filed on behalf of Corbin and Carlson, a general partnership, to close an unopened portion of Melrose Avenue. A public hearing is required to close said street.

Upon motion of Councilman Pless, seconded by Councilman Myers, Resolution No. 82-137 was unanimously adopted.

Complete text of Resolution No. 82-137 will be found in Resolution Book No. 13 at page 286-287.

RESOLUTION NO. 82-138 - RESOLUTION OF INTENT TO CLOSE UNNAMED ALLEY IN THE VICINITY OF "BATTERY PARK HOTEL" AND CALLING A PUBLIC HEARING ON THE QUESTION FOR AUGUST 19, 1982

19. Consideration was given to a resolution of intent to close an unnamed alley in the vicinity of "Battery Park Hotel" and calling a public hearing on the question for August 19, 1982.

The City Manager read the resolution stating that a petition has been filed by Battery Park Associates, Ltd., to close an unnamed alley in the vicinity of "Battery Park Hotel." A public hearing is required to close said unnamed alley.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-138 was unanimously adopted.

Complete text of Resolution No. 82-138 will be found in Resolution Book No. 13 at page 288-.

SCHEDULING OF PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 1253 - REZONING PROPERTY IN EAST END/VALLEY STREET AREA FOR AUGUST 5, 1982

20. Consideration was given to a motion scheduling a public hearing relative to amending Ordinance No. 1253, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the East End/Valley Street area for August 5, 1982.

Councilman Myers moved to schedule a public hearing relative to amending Ordinance No. 1253 for August 5, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENTS WITH THE ASHEVILLE CITY BOARD OF EDUCATION FOR SPACE IN THE CITY HALL BUILDING AND SPACE IN THE MUNICIPAL BUILDING

16. Consideration was given to a resolution authorizing the City Manager to enter into lease agreements with the Asheville City Board of Education for space in the City Hall Building and space in the Municipal Building.

The City Manager read the resolution stating that these agreements will provide for the leasing of space in the City Hall Building and Municipal Building to the Asheville City Board of Education.

Councilwoman Frank moved for the adoption of Resolution No. 82-135. This motion was seconded by Councilman Myers.

A discussion was held relative to the Asheville City Board of Education paying for utility costs during the term of the lease. The City Manager advised members of Council that the School Board agreed to pay for utility costs.

After discussion, Councilman McDevitt moved to amend Councilwoman Frank's motion to approve the resolution subject to the Asheville City Board of Education providing the City with a letter of confirmation to secure payment of utility costs during the term of the lease. This motion was seconded by Councilman McDevitt and carried unanimously.

On a voice vote Councilwoman Frank's motion to approve Resolution No. 82-135, as amended, carried unanimously.

Complete text of Resolution No. 82-135 will be found in Resolution Book No. 13 at page 283.

RESOLUTION NO. 82-136 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 55 CRESCENT STREET

17. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 55 Crescent Street.

The City Manager read the resolution stating that the Housing Officer of the City of Asheville has found the dwelling house known as 55 Crescent Street to be unfit for human habitation, unsafe, and dangerous to life. A public hearing will be held on August 5, 1982 to consider an ordinance to demolish said dwelling house.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-136 was unanimously adopted.

Complete text of Resolution No. 82-136 will be found in Resolution Book No. 13 at page 284-285.

RALPH BISHOP - COMMENTS RELATIVE TO DOWNTOWN STUDY

Ralph Bishop again made opposing remarks relative to obtaining the services of a firm to study the downtown area.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:15 p. m.

Raymond Harrison
MAYOR

William E. Holcott
CITY CLERK

REPORT BY DIRECTOR OF INSPECTIONS RELATIVE TO 230 CUMBERLAND AVENUE

Mr. J. E. Johnson, Director of Inspections, told members of Council that on May 13, 1982 Council considered an ordinance relative to the demolition of 230 Cumberland Avenue owned by Mr. William McCanless. He said at that time he was directed to report to Council relative to progress being made at 230 Cumberland Avenue since Council chose the option of giving the owner of 230 Cumberland Avenue 60 days to clean up the yard and 30 additional days to bring the dwelling up to housing code standards. He reported that the 60 day time period expired and the premises inspected on July 14, 1982. He said the yard had debris in the yard, including an old van, however, some effort has been made. He said, in his opinion, no appreciable work has been done on the house.

PROCLAMATION - CHRISTIAN MINISTRY DAY - JULY 17, 1982

Mayor Trantham proclaimed July 17, 1982 as "Christian Ministry Day."

CLAIMS - WESTERN & SO. INS. CO. (WATER AND SEWER) - LARK COMMUNICATIONS (PUBLIC WORKS) - BETTY WEST (WATER AND SEWER) - BECKY HARPER (WATER AND SEWER)

The City Manager presented claims received from Western & So. Ins. Co., Lark Communications, Betty West, and Becky Harper.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 82-139 - RESOLUTION AUTHORIZING DISPOSAL OF PROPERTY BY PRIVATE SALE (Adler Typewriter)

Consideration was given to a resolution authorizing disposal of property by private sale.

The City Manager read the resolution stating that the Community Development Department has in its property inventory an Adler Typewriter for which there is no use. He said the proceeds from the sale would be applied to the Community Development 1982-83 Contingency Fund.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-139 was unanimously adopted.

Complete text of Resolution No. 82-139 will be found in Resolution Book No. 13 at page 289.

COMMENTS BY LEO FERGUSON - RE: COUNCILMAN H. C. WILKES

Mr. Leo Ferguson said he felt certain that Councilman Wilkes would receive a release from the Bishop in Ohio to serve a church in Ohio. He said he also felt certain Councilman Wilkes would remain in Asheville to serve his church and the citizens of Asheville as a Councilmember.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1291. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1291 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1291. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1291 passed on third and final reading.

Complete text of Ordinance No. 1291 will be found in Ordinance Book No. 9 at page 360-361.

ORDINANCE NO. 1287- AN ORDINANCE ESTABLISHING THE ASHEVILLE DOWNTOWN COMMISSION INCLUDING ITS COMPOSITION, TERMS OF OFFICE, AND OTHER GENERAL PROVISIONS

3. Consideration was given to the second reading of Ordinance No. 1287, an ordinance establishing the Asheville Downtown Commission including its composition, terms of office, and other general provisions.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there is a specific request to do so.

Ralph Bishop spoke in opposition to this ordinance.

On a roll call vote of 6-0, Ordinance No. 1287 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1287. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1287 passed on third and final reading.

Complete text of Ordinance No. 1287 will be found in Ordinance Book No. 9 at page 353-355.

ORDINANCE NO. 1292 - ORDINANCE ESTABLISHING THE ECONOMIC DEVELOPMENT TRUST FUND

4. Consideration was given to an ordinance establishing the Economic Development Trust Fund.

Becky Williams, Director of Economic Development, read the ordinance. It was noted that this ordinance will create a source of money to be used to encourage private property development within the City of Asheville.

Thursday - July 22, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman H. C. Wilkes

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 15, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the minutes of the July 15, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING - DEMOLITION AND REMOVAL OF 78 CONGRESS STREET

ORDINANCE NO. 1291 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 78 CONGRESS STREET

2. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 78 Congress Street.

Mayor Trantham opened the public hearing at 4:23 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said it has been determined that the dwelling house known as 78 Congress Street has been found to be unfit for human habitation, unsafe, and dangerous to life. He said due process of law was followed in bringing the ordinance before Council for consideration of demolition. He said the dwelling house is owned by the Buncombe County Board of Tax Supervision. He presented members of Council with photographs showing the condition of the dwelling house.

Mayor Trantham closed the public hearing at 4:30 p. m.

The Corporation Counsel read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1291. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1291 passed on first reading.

ORDINANCE NO. 1294 - BUDGET ORDINANCE AMENDMENT FOR REED CREEK ARC GRANT IN COMMUNITY DEVELOPMENT FUND

6. Consideration was given to a budget ordinance amendment to appropriate revenue and contribution to other funds for Reed Creek ARC Grant in Community Development Fund.

The City Manager read the ordinance stating that this budget ordinance amendment in the amount of \$200,000 is to set up revenue and contribution to other funds for Reed Creek ARC Grant in Community Development Fund. The Capital Projects for Reed Creek is already established in the Water and Sewer Capital Project Fund, however, the ARC Grant must be channelled through the Community Development Fund.

Councilwoman Frank moved for the adoption of Ordinance No. 1294. This motion was seconded by Councilman Myers.

On a roll call vote of 6-0, Ordinance No. 1294 passed on first and final reading.

Complete text of Ordinance No. 1294 will be found in Ordinance Book No. 9 at page 365.

At this time, Councilwoman Frank moved that Council take a brief recess. This motion died for the lack of a second.

RESOLUTION NO. 82-140 - RESOLUTION PERTAINING TO THE ESTABLISHMENT OF A CODE STUDY COMMITTEE

7. Consideration was given to a resolution establishing a Code Study Committee.

The City Manager read the resolution stating that this resolution will create a citizen study committee to review city building related codes, not to include state codes, that could be changed or eliminated and not affect health, safety, or quality of construction.

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 82-140 was unanimously adopted.

Complete text of Resolution No. 82-140 will be found in Resolution Book No. 13 at page 290.

RESOLUTION NO. 82-141 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS MARKET STREET AREA IMPROVEMENTS

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc. for the project known as Market Street Area Improvements.

Councilman McDevitt requested several minor changes to the ordinance.

Councilman McDevitt moved for the adoption of Ordinance No. 1292. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 6-0, Ordinance No. 1292 passed on first and final reading.

Complete text of Ordinance No. 1292 will be found in Ordinance Book No. 9 at page 362-363.

ORDINANCE NO. 1293 - BUDGET ORDINANCE AMENDMENT - FUNDING FOR PROPOSED ASHEVILLE DOWNTOWN COMMISSION CONSULTANT STUDY

5. Consideration was given to a budget ordinance amendment to establish funding for City share of proposed Asheville Downtown Commission consultant study.

The City Manager read the ordinance stating that this would establish funding for City share of proposed Asheville Downtown Commission consultant study. Funding provided by use of "Sinking Fund Reserve." Other funds will be raised through private donations in the amount of \$40,000 and, hopefully, \$30,000 from the County Commissioners. The consultant services to be contracted for will be decided by the Asheville Downtown Commission and not the consultant. The services will be based on the needs of the City of Asheville as proposed in the Mayor's Downtown Task Force Report. The Downtown Commission is made up on the Asheville City Council, a member of the County Commissioners, and other community representatives.

A discussion was held, among Council members, relative to the consultant studying a new specific plan rather than plans which have previously been studied.

Councilman Myers moved for the adoption of Ordinance No. 1293. This motion was seconded by Councilman Pless.

At this time Mayor Trantham excused himself from the meeting and turned the meeting over to Vice-Mayor Price.

Ralph Bishop spoke in opposition to this ordinance.

On a roll call vote of 6-0, Ordinance No. 1293 passed on first and final reading.

Complete text of Ordinance No. 1293 will be found in Ordinance Book No. 9 at page 364.

RESOLUTION NO. 82-142 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE JOHNSTON SCHOOL ROAD AREA

10. Consideration was given to a resolution adopting and approving the plan for extension of City services into the area proposed for annexation generally described as the Johnston School Road area.

Verl Emrick, Planning Director, read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-142 was unanimously adopted.

Complete text of Resolution No. 82-142 will be found in Resolution Book No. 13 at page 292.

RESOLUTION NO. 82-143- RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE RICEVILLE ROAD AREA

11. Consideration was given to a resolution adopting and approving the plan for extension of city services into the area proposed for annexation generally described as the Riceville Road area.

Verl Emrick, Planning Director, read the resolution.

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 82-143 was unanimously adopted.

Complete text of Resolution No. 82-143 will be found in Resolution Book No. 13 at page 293.

RESOLUTION NO. 82-144 - RESOLUTION ADOPTING AND APPROVING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE ASCENSION DRIVE AREA

12. Consideration was given to a resolution adopting and approving the plan for extension of city services into the area proposed for annexation generally described as the Ascension Drive Area.

Verl Emrick, Planning Director, read the resolution.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-144 was unanimously adopted.

Complete text of Resolution No. 82-144 will be found in Resolution Book No. 13 at page 294.

143

The City Manager read the resolution stating that bids were opened on July 12, 1982 for the Market Street Area Improvements. Five (5) bids were received. Paving Enterprises, Inc. is the apparent low bidder for the contract in the amount of \$46,210.04.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-141 was unanimously adopted.

Complete text of Resolution No. 82-141 will be found in Resolution Book No. 13 at page 291.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT AND EAST END/ VALLEY STREET IMPROVEMENT PROJECTS

9. Consideration was given to a motion relative to the sale of disposal parcels in the East Riverside Renewal Project and East End/Valley Street Improvement Projects.

The City Manager presented the recommendations of the Housing Authority stating that the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project and East End/Valley Street Improvement Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
72	Residential	4,000	4,000	Elizabeth Wood
36	Residential	2,200	2,220	Stanley A. Haynes
37	Residential	2,200	2,210	James E. Imes
141	Residential	1,700	1,700	Willie W. Beck

Note: Parcel 72 is located on Ridge Street; Parcel 36 and 37 on S. Grove Street; Parcel 141 on Old Asheland Avenue. All redevelopers propose to construct single family residential structures on the parcels under the "Dollar-A-Lot Program."

Councilwoman Frank moved to approve the sale of the disposal parcels as recommended by the Housing Authority. This motion was seconded by Councilman McDevitt and carried unanimously.

COUNCIL RECESS

Councilman McDevitt moved that Council take a five (5) minute recess. This motion was seconded by Councilwoman Frank, which motion carried on a voice vote of 4-1, with Councilman Pless voting "no."

Council reconvened with Mayor Trantham returning to the meeting. Mayor Trantham requested that Vice-Mayor Price continue presiding over the meeting.

RALPH BISHOP - COMMENTS RELATIVE TO HIS RIGHT TO ADDRESS COUNCIL

Ralph Bishop appeared before Council speaking on his right as a citizen to address Council.

ORDINANCE NO. 1295 - BUDGET ORDINANCE AMENDMENT FOR FUNDING FOR SOIL TESTING AND ENGINEERING AT MEMORIAL STADIUM

Consideration was given to a budget ordinance amendment in the amount of \$5,000 to provide funding for soil testing and engineering at Memorial Stadium.

The City Manager read the ordinance.

Councilman Pless moved for the adoption of Ordinance No. 1295. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1295 passed on first and final reading.

Complete text of Ordinance No. 1295 will be found in Ordinance Book No. 9 at page 366.

LAWSUITS PRESENTED - WALTER D. GILCHRIST (Appeal of pension decision) RODNEY J. WELLS (Appeal of termination decision)

The City Manager presented summonses received in connection with the lawsuits of Walter D. Gilchrist and Rodney J. Wells.

The lawsuits were referred to the Corporation Counsel for action.

APPROVAL OF SIGN PERMITS - 4 S. TUNNEL ROAD - TWO (2) WALL SIGNS AND ONE (1) FREE STANDING SIGNS

Mr. V. B. Bradley, Zoning Administrator, presented Council with three (3) sign permits for their consideration. He said the signs are to be situated closer than 600' from a limited access highway requiring approval of Council pursuant to Zoning Ordinance No. 322. He said one (1) roof sign is to be 5'6" x 16" and will advertise The Hop Ice Cream Parlor and one (1) roof sign is to be 30 square feet and will advertise Phillips Famous Hot Dogs. He said the 8' x 8' free standing sign will also advertise Phillips Famous Hot Dogs.

After a brief discussion, Councilman Pless moved to approve the two (2) wall signs and one (1) free standing sign to be placed at 4 S. Tunnel Road as presented by Mr. Bradley. This motion was seconded by Councilman Myers and carried unanimously.

APPROVAL OF SIGN PERMIT - 645 PATTON AVENUE - TWO (2) WALL SIGNS

Mr. V. B. Bradley, Zoning Administrator, presented Council with two sign permits for their consideration. He said the signs will be situated closer than 600' from a limited access highway requiring approval of Council pursuant to Zoning Ordinance No. 322. He said one 18" x 30' would advertise a Golf Range and one 18" x 50' would advertise the Garden Center.

STATEMENT BY SOPHIA DIXON - ASHEVILLE CHAPTER N.A.A.C.P. -RELATIVE TO
COUNCILMAN WILKES

Ms. Sophia Dixon read the following statement:

TO THE HONORABLE ROY M. TRANTHAM, AND MEMBERS OF COUNCIL:

We, the Asheville Chapter of the N.A.A.C.P. in conjunction with the Black leadership and community at large, are respectively submitting the name of Rev. J. F. Wills as a replacement for City Council. On Tuesday, July 20, 1982, a wide cross section of the Asheville Black community unanimously selected Rev. J. F. Wills as the person to be recommended for Council, upon the acceptance of Rev. H. C. Wilkes' resignation.

At the community meeting, representation was present from the Interdenominational Ministerial Alliance, the Masonic Lodge, social organizations, the 11th Congressional District Black Leadership Caucus, and other Black leaders all of which rallied behind Rev. J. F. Wills. The consensus was that Rev. J. F. Wills could best represent the interest of all citizens of Asheville in the same manner as the Rev. H. C. Wilkes.

We thank the Council for your consideration of this recommendation.

/s/ S. Dixon
Respectfully submitted by
S. Dixon, President - Asheville
Chapter N.A.A.C.P.

The following individuals appeared before Council endorsing Rev. J. F. Wills as a replacement for Rev. H. C. Wilkes as a member of the Asheville City Council:

Rev. Wesley Grant, 97 Choctaw Street
Dr. Erby Oglesby, 60 Kimberly Avenue
Willie Vincent, 146 Wyoming Road
Marvin Chambers

Raymond Hilton, 9 Sourwood Lane East, said he felt Mr. Leo Ferguson should publically apologize for the statement he made in the newspaper that "anyone who disagreed with their suggestion was a racist." He said that statement offended some of the citizens of Asheville.

Vice-Mayor Price said Council would take the recommendation under consideration.

Councilman Pless noted that Council has not received, as of today, a resignation from Councilman H. C. Wilkes.

Thursday - August 5, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Mary Lloyd Frank

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the July 22, 1982 meeting.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, the minutes of the July 22, 1982 meeting were unanimously approved as submitted.

DISCUSSION--ACTION RELATIVE TO MEMORIAL STADIUM

2. The City Manager said during the Council's work session, a report was received from Sutton-Kennerly Engineers relative to severe structural problems at Memorial Stadium. He said this is a dangerous situation that needs an immediate decision.

After a brief discussion, Councilman Pless moved to close the Memorial Stadium until the west side bleachers are demolished. This motion was seconded by Vice-Mayor Price and carried unanimously.

Donald Jones, City School Superintendent, said Asheville High School, who plays home games at Memorial Stadium, could use area fields for their home games for the upcoming season. He said a long-range plan for the school includes completion of a stadium at Asheville High School. He said he would be working with the County Commissioners for additional funds to complete the project at Asheville High School.

RECOGNITION OF EXCHANGE STUDENT FROM ENGLAND - GERALDINE HORNER HILL

Councilman McDevitt introduced Geraldine Horner Hill, an exchange student from England who is staying at his home. He also introduced members of his family in attendance at the Council meeting.

LETTER OF RESIGNATION - COUNCILMAN H. C. WILKES

Mayor Trantham announced that he has received a letter of resignation from Councilman H. C. Wilkes.

Vice-Mayor Price moved to accept the letter of resignation from Councilman H. C. Wilkes. This motion was seconded by Councilman Pless and carried unanimously.

After discussion, Councilman McDevitt moved to approve the two (2) sign permits for 645 Patton Avenue as presented by Mr. Bradley. This motion was seconded by Councilman Pless and carried unanimously.

APPROVAL OF PLACEMENT OF BANNERS ON BROADWAY AND HAYWOOD STREET -
FOR "36TH ANNUAL ANTIQUES FAIR"

Mr. V. B. Bradley, Zoning Administrator, presented a request of Mrs. Shirley Turner to place a banner (3' x 20') on Haywood Street across from the Banner House and another banner (3' x 20') on Broadway in front of Asheville Showcase for the purpose of attracting the public to the "36th Annual Antiques Fair" to be held at the Asheville Civic Center August 5-7, 1982.

After discussion, Councilman Pless moved to approve the placement of the banners as presented by Mr. Bradley from August 2, 1982 through August 7, 1982. This motion was seconded by Councilman Myers and carried unanimously.

DISCUSSION RELATIVE TO LEGISLATIVE GOALS AND POLICIES TO BE PRESENTED
TO THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES

The City Manager presented members of Council with a list of legislative goals and policies to be presented to the North Carolina League of Municipalities. He said the League has requested that all legislative goals and policies be forwarded to them by July 19, 1982.

After discussion, it was the consensus of Council to forward the list of goals and policies as presented by the City Manager to the League and if Council so desired they could send in a supplemental list.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:20 p. m.


MAYOR


CITY CLERK

ORDINANCE NO. 1298 - A BUDGET ORDINANCE FOR A GRANT AT REID CENTER - MUSIC ENRICHMENT

7. Consideration was given to a budget ordinance amendment relative to a grant for the continuation of the music enrichment program at Reid Center.

The City Manager read the ordinance which stated that the Parks and Recreation Department has been awarded a grant of \$9,775 from the Department of Human Resources, Division of Youth Services, for the continuation of the music enrichment program at Reid Center.

Vice-Mayor Price moved for the adoption of Ordinance No. 1298. This motion was seconded by Councilman Myers.

On a roll call vote of 5-0, Ordinance No. 1298 passed on first and final reading.

Complete text of Ordinance No. 1298 will be found in Ordinance Book No. 9 at page 370.

ORDINANCE NO. 1299 - A BUDGET ORDINANCE FOR ASSISTANCE TO THE CITY'S HEALTH INSURANCE PLAN

8. Consideration was given to a budget ordinance amendment relative to assistance in the evaluation of the city's health insurance plan.

The City Manager read the ordinance which stated that this budget ordinance in the amount of \$5,000 is to reappropriate funding for professional services needed to assist in the evaluation of the city's health insurance plan. This funding was approved by Council in Fiscal 1981/82 (June) but the agreement was not completed as of June 30, 1982.

Vice-Mayor Price moved for the adoption of Ordinance No. 1299. This motion was seconded by Councilman McDevitt.

On a roll call vote of 5-0, Ordinance No. 1299 passed on first and final reading.

Complete text of Ordinance No. 1299 will be found in Ordinance Book No. 9 at page 371.

ORDINANCE NO. 1300 - A BUDGET ORDINANCE FOR REBUDGETING OF PURCHASE ORDERS AND CONTRACTS

9. Consideration was given to a budget ordinance amendment relative to rebudgeting funds for purchase orders and contracts outstanding at June 30, 1982.

The City Manager read the ordinance which stated that this budget amendment will rebudget funds for purchase orders and contracts outstanding at June 30, 1982.

Councilman Myers moved for the adoption of Ordinance No. 1300. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 5-0, Ordinance No. 1300 passed on first and final reading.

Complete text of Ordinance No. 1300 will be found in Ordinance Book No. 9 at page 372.

PUBLIC HEARING - DEMOLITION OF 55 CRESCENT STREET

ORDINANCE NO. 1296 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 55 CRESCENT STREET

5. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 55 Crescent Street.

Mayor Trantham opened the public hearing at 4:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said it has been determined that the dwelling house known as 55 Crescent Street is unfit for human habitation, unsafe, and dangerous to life. He said due process of law has been followed in obtaining an ordinance for Council's consideration to demolish said dwelling. He said one of the heirs to the property has indicated an interest in rehabilitating the dwelling. He suggested that Council hold one reading of the ordinance today giving the heir an opportunity to appear before Council before the final reading.

Mayor Trantham closed the public hearing at 4:48 p. m.

The Corporation Counsel read the ordinance.

Councilman Myers moved for the adoption of Ordinance No. 1296. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 5-0, Ordinance No. 1296 passed on first reading.

PUBLIC HEARING - REZONING PROPERTY IN THE EAST END/VALLEY STREET AREA

ORDINANCE NO. 1297 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

6. A public hearing was held relative to rezoning property in the East End/Valley Street area.

Mayor Trantham opened the public hearing at 4:50 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning said this ordinance would be a "housekeeping chore" and would rezone property in the East End/Valley Street area to comply with new tax map sheets. He said this rezoning does not change the intent of the original zoning of the property.

Mayor Trantham closed the public hearing at 4:55 p. m.

Verl Emrick, Director of Planning read the ordinance.

Councilman McDevitt moved for the adoption of Ordinance No. 1297. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 5-0, Ordinance No. 1297 passed on first reading.

The City Manager read the resolution which stated that the City proposes to demolish and replace the Baker Drive Bridge over Smith Mill Creek. Thompson-Gordon-Shook Engineers submitted a proposal for the demolition and replacement of the Baker Drive Bridge. This resolution will authorize the Mayor to execute an agreement for professional engineering services with Thompson-Gordon-Shook Engineers for the Baker Drive Bridge.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-146 was unanimously adopted.

Complete text of Resolution No. 82-146 will be found in Resolution Book No. 13 at page 296.

RESOLUTION NO. 82-147 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH BLUE RIDGE STRUCTURE COMPANY FOR THE PROJECT KNOWN AS DEPOT STREET BOX CULVERT

13. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Blue Ridge Structure Company for the project known as Depot Street Box Culvert.

The City Manager read the resolution stating that on August 2, 1982 bids were opened on the Depot Street Box Culvert. Blue Ridge Structure Company is the apparent low bidder for this contract in the amount of \$81,308.47. Recommendation of acceptance of low bidder.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-147 was unanimously adopted.

Complete text of Resolution NO. 82-147 will be found in Resolution Book No. 13 at page 297.

RESOLUTION NO. 82-148 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH WNC PARKING LOT SERVICES, INC.

14. Consideration was given to a resolution authorizing the City Manager to renew a contract with WNC Parking Lot Services, Inc.

The City Manager read the resolution stating that this is an annual contract with WNC Parking Lot Services, Inc. for the purpose of cleaning the Civic Center Parking Garage. The contract will be at the same monthly rate as the preceding contract.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-148 was unanimously adopted.

Complete text of Resolution No. 82-148 will be found in Resolution Book No. 13 at page 298.

APPROVAL OF DISPLAY OF BANNER - NORTHWESTERN BANK BUILDING - AUGUST 11, 18, AND 25, 1982

15. Consideration was given to a motion approving the display of a banner on the Northwestern Bank Building for the "Lunchtime Concerts."

Mr. V. B. Bradley, of the Inspections Division, said Kathryn E. Jagger, Building Manager for Northwestern Bank Building, has requested approval to display a banner on the Northwestern Bank Building for the Lunchtime Concerts. The banner will be displayed on August 4, 11, 18, and 25, 1982.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING ORDINANCE NO. 1120, KNOWN AS "AN ORDINANCE AMENDING ORDINANCE NO. 933, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE AREA CIVIC CENTER COMMISSION"

10. Consideration was given to an ordinance amending Ordinance No. 1120, known as "AN ORDINANCE AMENDING ORDINANCE NO. 933, KNOWN AS "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE AREA CIVIC CENTER COMMISSION"

The City Manager read the ordinance stating that the Asheville Area Civic Center Commission has requested that the commission be expanded in membership to involve more Ashevilleians in the operation of the facility and to strengthen committee structures.

Associate City Manager William F. Wolcott said the Director of the Civic Center has requested that the ordinance be tabled until the Chairman of the Commission can attend the meeting.

Councilman McDevitt moved to table the ordinance until further notice. This motion was seconded by Vice-Mayor Price and carried unanimously.

RESOLUTION NO. 82-145 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR TRANSPORTATION PLANNING SERVICES WITH THE LAND-OF-SKY REGIONAL COUNCIL

11. Consideration was given to a resolution authorizing the Mayor to enter into a contract for transportation planning services with the Land-of-Sky Regional Council.

The City Manager read the resolution.

Verl Emrick, Director of Planning, said within the annual work program there are several items that require staff intensive efforts and due to cutbacks in City Planning staff personnel it is advisable and recommended that this contract be entered into in the total amount of \$5,500. He said four components of the work program to be undertaken would be the surveying of the number of dwelling units; update and revise the downtown parking inventory; population changes; and land use plan reevaluation.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-145 was unanimously adopted.

Complete text of Resolution No. 82-145 will be found in Resolution Book No. 13 at page 295.

RESOLUTION NO. 82-146 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ENGINEER SERVICE WITH THOMPSON-GORDON-SHOOK ENGINEERS, INCORPORATED FOR DEMOLITION AND REPLACEMENT OF BAKER DRIVE BRIDGE OVER SMITH MILL CREEK

12. Consideration was given to a resolution authorizing the Mayor to enter into an agreement for engineering services with Thompson-Gordon-Shook Engineers, Incorporated for demolition and replacement of Baker Drive Bridge over Smith Mill Creek.

C. Resolution No. 82-152 - Resolution appointing member to the Recreation Board for Asheville.

HIGHLIGHTS: This resolution will appoint Mr. Tommy Saunooke as a member of the Recreation Board for Asheville.

Resolution Book No. 13 at page 302.

- D. Scheduling of a public hearing relative to the site plan of the proposed "Oak Terrace Townhouses" to be located at the corner of Spears and Mt. Clare Avenue for August 12, 1982.

HIGHLIGHTS: The Planning and Zoning Commission has recommended approval of the site plan of the proposed "Oak Terrace Townhouses" to be located at the corner of Spears and Mt. Clare Avenue subject to compliance with the City's Erosion Control Ordinance.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, the consent agenda was unanimously approved.

REPORT FROM J. E. JOHNSON - RELATIVE TO STATUS OF 22 NORMANDY ROAD

Mr. J.E. Johnson, Director of Inspections, reported that on February 4, 1982 the Asheville City Council entered into an agreement with Ms. Lottie Jean Fletcher to rehabilitate 22 Normandy Road. He said the agreement was for six (6) months, which ended on August 4, 1982. He said he made an inspection of the premises and found that the work has not been completed, however substantial work has been done to the dwelling house. He said the premises have not been cleaned. He noted that he would have made a report on this matter on July 29, 1982 but Council did not meet on that day. He invited members of Council to go by and look at what work has been done on the dwelling house. He said in his opinion twenty-five percent (25%) of the work has been done. He said no work has been done in the past two or three weeks.

After discussion, Councilman Pless moved to schedule a public hearing for August 19, 1982 to consider further action relative to 22 Normandy Road. This motion was seconded by Vice-Mayor Price and carried unanimously.

LETTER FROM RICHARD L. COLEMAN, JR. - INTERPRETATIONS OF SIGN ORDINANCE

The City Manager presented a letter received from Richard L. Coleman, Jr. from the Asheville Mail requesting the Council to research the possibility of amending Ordinance No. 322, Section 30-9-3 to clearly and more accurately define the difference between a "shopping center" and a "regional shopping mall" with gross floor area in excess of 300,000 square feet.

After discussion, Vice-Mayor Price moved to forward the request to the Planning and Zoning Commission for consideration and recommendation. This motion was seconded by Councilman McDevitt and carried unanimously.

CLAIMS - GEORGE LOVE (WATER & SEWER) - N.C. DEPT. OF ADMINISTRATION (MOTOR TRANSPORT) - LISA MORELAND (PUBLIC WORKS) - JOE TRAGESER (WATER & SEWER) - JAMES JACKSON (PUBLIC WORKS) - PAUL ROUT (UNKNOWN) - MRS. L. H. MEANS (WATER & SEWER) - DOROTHY WINDERS (PARKS AND RECREATION) - HAROLD TALBERT (PUBLIC WORKS) - TERESA BRADLEY (WATER & SEWER) - HAZEL CARLAND (WATER & SEWER)

The City Manager presented claims received from George Love, N. C. Dept. of Administration, Lisa Moreland, Joe Trageser, James Jackson, Paul Rout, Mrs. L. H. Means, Dorothy Winders, Harold Talbert, Teresa Bradley, and Hazel Carland.

53

Councilman McDevitt moved to approve the display of the banner on the Northwestern Bank Building for the Lunchtime Concerts on August 11, 18, and 25, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

RESOLUTION NO. 82-149 - RESOLUTION APPOINTING MEMBERS TO SERVE A TERM OF OFFICE ON THE ASHEVILLE DOWNTOWN COMMISSION

16. Consideration was given to a resolution appointing members to serve a term of office on the Asheville Downtown Commission.

The City Manager read the resolution stating that the City Council established the Asheville Downtown Commission by Ordinance 1287, which states that the Commission consist of thirteen (13) members of which six (6) are appointed by the Mayor, with the approval of Council by resolution for a term of four (4) years and the remaining members will consist of the total membership of Council. This resolution will appoint Mr. Tyson Betty, Mr. Wayne Caldwell, Mr. William Frue, Mr. J. D. Jackson, Ms. Grace Pless and Mr. Maurice Winger as members of the Commission.

Upon motion of Councilman Pless, seconded by Councilman Myers, Resolution No. 82-149 was unanimously adopted.

Complete text of Resolution No. 82-149 will be found in Resolution Book No. 13 at page 299.

APPROVAL OF THE CONSENT AGENDA

17. The City Manager said the following items are of a routine nature and they have been previously reviewed by the members of the City Council. Therefore, by unanimous vote to approve these items, the City Council, may, by the authority granted to the City Council in Ordinance No. 1008, adopt all of the items with one motion without the full reading and/or separate motion adopting each individual item. Upon the request of a citizen, a member of the City Council, and/or a member of the City staff, any single item scheduled for approval on the consent agenda may be considered separately.

- A. Resolution No. 82-150 - Resolution appointing members to the Asheville-Buncombe Historic Resources Commission.

HIGHLIGHTS: This resolution will reappoint Mr. Frank Cox and William F. Wolcott, III as members of the Historic Resources Commission.

Resolution Book No. 13 at page 300

- B. Resolution No. 82-151 - Resolution appointing members to the Asheville Transit Authority.

HIGHLIGHTS: This resolution will appoint Mr. John J. Sherman as a member of the Asheville Transit Authority.

Resolution Book No. 13 at page 301

COMMENTS BY RALPH BISHOP - PENSION BOARD RECORDS

Mr. Ralph Bishop again appeared before Council stating that he was still having difficulty in obtaining minutes of the Police Pension Board meetings and he had talked with Senator Bob Swain and was told the minutes are public records.

ADJOURNMENT

Upon motion by Councilman Fless, seconded by Vice-Mayor Price, the meeting adjourned at 6:00 p. m.

Ray M. Farrant
MAYOR

William F. Wolcott
CITY CLERK

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - HIROSHIMA MEMORIAL DAY - AUGUST 6, 1982

Mayor Trantham proclaimed August 6, 1982 as "Hiroshima Memorial Day."

RESOLUTION NO. 82-153 - RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF SOUTH FRENCH BROAD AVENUE FOR A "FAMILY FUN FESTIVAL" ON SATURDAY, AUGUST 14, 1982

Consideration was given to a resolution authorizing the closing of a portion of South French Broad Avenue for a "Family Fun Festival" on Saturday, August 14, 1982.

The City Manager read the resolution stating that the YMCA, Market Street Branch, through their Program Director, Eric Mann, has requested that South French Broad Avenue from the intersections of Choctaw Street/South French Broad Avenue, down to Livingston Street/South French Broad Avenue be closed on Saturday, August 14, 1982 from 1:00 p. m. to 6:00 p. m. for the purpose of a "Family Fun Festival."

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-153 was unanimously adopted.

Complete text of Resolution No. 82-153 will be found in Resolution Book No. 13 at page 303.

DISCUSSION RELATIVE TO BELE CHERE FESTIVAL

Councilman McDevitt requested that a letter of appreciation be sent to all those involved with the Bele Chere Festival. He commented on the success of the Bele Chere Festival.

SENIOR OPPORTUNITY CENTER - DISCUSSION RELATIVE TO CUTBACKS IN OPERATION

The following individuals appeared before Council speaking in opposition to several cutbacks in operation at the Senior Opportunity Center:

Mr. John W. Chiles
Mr. Cossie Norman
Ms. Devvine

The individuals were concerned about the cutback in hours of operation for the bus driver and the elimination of several telephones in the center.

Mayor Trantham told the group Council would look into the cutbacks in operation and report back to them.

COMMENTS BY MR. TOM DUVAL - REPLACEMENT FOR H.C. WILKES - NAME OF WILHELMENIA BRATTON

Mr. Tom Duvall, of 55 Waters Road, submitted the name of Wilhelmenia Bratton to be considered as a replacement of H. C. Wilkes on the Asheville City Council.

Mr. Duvall gave a brief history and background information on Wilhelmenia Bratton's qualifications to serve on the Asheville City Council.

REPORT FROM CITY MANAGER RELATIVE TO THE USE OF MEMORIAL STADIUM

The City Manager read the following letter from the Parks and Recreation Advisory Board:

August 11, 1982

Mayor Roy M. Trantham
City of Asheville
P. O. Box 7148
Asheville, N.C. 28807

Dear Mayor Trantham:

The Asheville Parks and Recreation Advisory Board, at their regular meeting on August 11, 1982, voted to recommend to City Council that a protective fence be installed around the West (home) stands at Memorial Stadium to ensure that ~~people would not enter~~ the area of these stands. With the installation of this fence the Advisory Board then recommends that the Memorial Stadium be open for use on a regular basis as planned and programmed by the Asheville Parks and Recreation Department. Specific uses to be permitted would be the North Asheville and West Asheville Youth Football Programs. Further, the Advisory Board recommends that this fencing be installed as soon as possible in order that the first home game by the Youth Football Program can be held at Memorial Stadium on August 28. The Board feels that this would be in the best interest of all residents of Asheville and would permit maximum use of Memorial Stadium facilities without endangering the users of this facility. Since the opening of the Youth Football season is so close, the Board respectfully requests action as soon as possible upon this recommendation.

Sincerely,

/s/ Bill Pfeiffer

Bill Pfeiffer, Chairman
Parks and Recreation Advisory
Board

The City Manager said the Director of Parks and Recreation can use old fencing from another area to fence the area and port-a-johns could be taken from the Bee Tree facility since they are not being used. He said since there are no cost associated and the recommendation is feasible he would recommend Council's approval.

A discussion was held relative to the liability in case of an accident at the stadium. The North Asheville and West Asheville representatives at the meeting said they would be responsible for the children at the Youth Football events and further that insurance is carried on the children.

157
Thursday - August 12, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt, Councilwoman Mary Lloyd Frank; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 5, 1982 meeting.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, the minutes of the August 5, 1982 meeting were unanimously approved as submitted.

REPORT FROM CITY MANAGER RELATIVE TO BUDGET CUTS IN THE PARKS AND RECREATION DEPARTMENT

2. In response to an inquiry at the August 5, 1982 meeting the City Manager advised that Senior Opportunity Center, Parks and Recreation Department Budget, was cut by the elimination of an Activity Specialist, reduction in the hours of a Van Driver from 40 hours to 30 hours, a reduction in supplies and materials (crafts), and the elimination of several telephones. He said the elimination of telephones is a citywide budget cut. He said an Activity Specialist had also been eliminated at the Reid Center. He said there had been no cut backs in the hours of operation at the center. He said there have been budget cuts in supplies and materials (crafts) at other centers.

Ms. Clemantine Devvine, speaking on behalf of the Senior Opportunity Center, said the major affect on the budget cut backs so far is in the hours of operation for the van driver.

Several individuals who visit the Senior Opportunity Center spoke to Council relative to the budget cuts.

After discussion it was the consensus of Council to look into a volunteer supplement, perhaps from local churches, for the ten hours of operation cut from the van driver.

It was also decided that Council would meet with the Senior Opportunity Center group on Thursday, August 19, 1982 at 1:00 p. m. to discuss a supplemental service from local churches for a van driver.

Mayor Trantham opened the public hearing at 4:55 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and highlighted the service plan proposed for the Johnston School Road area which was approved and adopted by Council at the July 22, 1982 meeting. He said all statutory requirements have been met.

He said the plan approved at the July 22, 1982 meeting should be amended due to the inability to fund sewer services in one particular area. He said he will present a resolution amending the plan deleting this particular area after the public hearing. He said the area to be deleted includes six or seven houses and if the City were to annex the area it would cost in excess of \$58,000 to provide sewer services.

Mayor Trantham closed the public hearing at 5:08 p. m.

Mr. Emrick then read the resolution amending the plan.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-156 was unanimously adopted.

Complete text of Resolution No. 82-156 will be found in Resolution Book No. 13 at page 306-307.

PUBLIC HEARING - PROPOSED ANNEXATION OF PROPERTY - RICEVILLE ROAD AREA

8. A public hearing was held relative to the proposed annexation of property generally described as the Riceville Road area.

Mayor Trantham opened the public hearing at 5:14 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and said the area meets all statutory standards. He also highlighted the service plan proposed for the Riceville Road area which was approved and adopted by Council at the July 22, 1982 meeting.

Mayor Trantham excused himself from the meeting.

Vice-Mayor Price presided over the meeting.

The following individuals spoke in opposition to the annexation requesting that their property be excluded from the annexation:

Ms. Ruby Gibbs, Kanuth Road

Ms. Susanne Higgins, Kanuth Road

Ms. Pearl Shelton, owner of property adjacent to Ms. Gibbs on Kanuth Road.

After discussion, Vice-Mayor Price moved to accept the recommendation of the Parks and Recreation Advisory Board for the Youth Football Leagues to use the Memorial Stadium as stipulated in their recommendation. This motion was seconded by Councilman Myers and carried unanimously.

PRESENTATION OF CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING

4. The City Manager recognized Mr. Larry Fisher, Director of Finance, Ms. Charlotte Tell, City Accountant, and Chuck Killian, with Patton and Hunter Auditors, for their achievement in receiving the Certificate of Conformance in Financial Reporting for the City of Asheville for the third year in a row.

RESOLUTION NO. 82-154- RESOLUTION OF APPRECIATION TO H. C. WILKES

5. Consideration was given to a resolution of appreciation to H. C. Wilkes, who resigned as a member of Council.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-154 was unanimously adopted.

Complete text of Resolution No. 82-154 will be found in Resolution Book No. 13 at page 304.

RESOLUTION NO. 82-155 - RESOLUTION OF APPRECIATION TO THE BELE CHERE FESTIVAL COMMITTEE

6. Consideration was given to a resolution of appreciation to the Bele Chere Festival Committee.

The City Manager read the resolution.

Steve Metcalf, Bele Chere Coordinator, said the Bele Chere Committee received tremendous cooperation from the City and the businesses in the downtown area.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-155 was unanimously adopted.

Complete text of Resolution No. 82-155 will be found in Resolution Book No. 13 at page 305.

PUBLIC HEARING - PROPOSED ANNEXATION OF PROPERTY - JOHNSTON SCHOOL ROAD AREA

RESOLUTION NO. 82-156 - RESOLUTION AMENDING THE PLAN FOR EXTENSION OF CITY SERVICES INTO THE AREA PROPOSED FOR ANNEXATION GENERALLY DESCRIBED AS THE JOHNSTON SCHOOL ROAD AREA

7. A public hearing was held relative to the proposed annexation of property generally described as the Johnston School Road Area.

Mr. Charles Jordon, from Bronx, N. Y., an heir to the property, requested that Council permit him time to rehabilitate the dwelling. He said the Director of Inspections informed him as to what needed to be done to bring the dwelling up to code standards.

Council discussed allowing Mr. Jordon thirty (30) days to rehabilitate the house, however, Council decided to proceed with the second reading of the ordinance and consider an extension of the ordinance prior to the third reading.

On a roll call vote of 6-0, Ordinance No. 1296 passed on second reading.

ORDINANCE NO. 1297 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property in the East End/Valley Street area)

12. Consideration was given to the second reading of Ordinance No. 1297, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended rezoning property in the East End/Valley Street area.

Mayor Trantham said the ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1297 passed on second reading.

ORDINANCE NO. 1301 - A BUDGET ORDINANCE RELATIVE TO FUNDING FOR CRAVEN STREET DRAINAGE IMPROVEMENTS

13. Consideration was given to a budget ordinance amendment relative to funding for Craven Street Drainage Improvements.

The City Manager read the ordinance stating that this budget amendment in the amount of \$20,000 is to provide funding for the Craven Street Drainage Improvements.

Vice-Mayor Price moved for the adoption of Ordinance No. 1301. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1301 passed on first and final reading.

Complete text of Ordinance No. 1301 will be found in Ordinance Book No. 9 at page 373.

CERTIFICATE OF APPOINTMENT OF COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - MRS. ANNETTE COLEMAN

Mayor Trantham announced the appointment of Mrs. Annette Coleman as a Commissioner of the Housing Authority of the City of Asheville.

Complete text of the Certificate will be found in Resolution Book No. 13 at page 312.

Vice-Mayor Price closed the public hearing at 5:34 p. m.

PUBLIC HEARING - PROPOSED ANNEXATION OF PROPERTY - ASCENSION DRIVE AREA

9. A public hearing was held relative to the proposed annexation of property generally described as the Ascension Drive Area.

Vice-Mayor Price opened the public hearing at 5:35 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, described the location of the proposed annexation and said the area meets all statutory requirements for annexation. He also highlighted the service plan proposed for the Ascension Drive Area which was approved and adopted by Council at the July 22, 1982 meeting.

Vice-Mayor Price closed the public hearing at 5:40 p. m.

PUBLIC HEARING - SITE PLAN OF PROPOSED "OAK TERRACE TOWNHOUSES"

10. A public hearing was held relative to the site plan of the proposed "Oak Terrace Townhouses" to be located at the corner of Spears and Mt. Clare Avenue.

Vice-Mayor Price opened the public hearing at 5:41 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a called meeting held July 21, 1982, reviewed the site plan of the proposed "Oak Terrace Townhouses" to be located at the corner of Spears and Mt. Clare Avenue. He said after review and discussion of the plan, the Commission voted unanimously to recommend approval to City Council subject to compliance with the City's Erosion Control Ordinance.

After a brief discussion, Vice-Mayor Price closed the public hearing at 5:50 p. m.

Councilman McDevitt moved to approve the site plan for the "Oak Terrace Townhouses" subject to compliance with the City's Erosion Control Ordinance. This motion was seconded by Councilwoman Frank and carried unanimously.

Mayor Trantham returned to the meeting to preside.

ORDINANCE NO. 1296 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 55 CRESCENT STREET

11. Consideration was given to the second reading of Ordinance No. 1296, an ordinance directing the Housing Officer to demolish that dwelling house known as 55 Crescent Street.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-158 was unanimously adopted.

Complete text of Resolution No. 82-158 will be found in Resolution Book No. 13 at page 309.

RESOLUTION NO. 82-159 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APAC-CAROLINA, INC. FOR THE PROJECT KNOWN AS THE 1982-83 PAVING PROGRAM

18. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with APAC-Carolina, Inc. for the project known as the 1982-83 Paving Program.

The City Manager read the resolution stating that bids were opened on the 1983-83 Paving Program on August 9, 1982. Three (3) bids were received. APAC-Carolina, Inc. is the apparent low bidder in the amount of \$463,362.80. Recommendation of acceptance of the low bidder.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-159 was unanimously adopted.

Complete text of Resolution No. 82-159 will be found in Resolution Book No. 13 at page 310.

The City Manager said the bid for the 1982-83 Paving Program was under the amount appropriated for the project and he recommended that the remaining funds be used to pave unpaved streets to save a sizeable amount of money for maintenance of unpaved streets.

It was the consensus of Council to accept the recommendation of the City Manager to pave unpaved streets with the funds remaining.

RESOLUTION NO. 82-161 - RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE THE SALE OF CITY OF ASHEVILLE PROPERTY LOCATED ON THE SOUTHEAST RAMP OF I-26 AND THE ASHEVILLE AIRPORT ROAD

19. Consideration was given to a resolution authorizing the City Clerk to advertise the sale of City of Asheville property located on the southeast ramp of I-26 and the Asheville Airport Road.

The City Manager read the resolution stating that an offer has been received from Mr. T. O. Youngblood to purchase City of Asheville property located on the Southeast ramp of I-26 and the Asheville Airport Road. This resolution will authorize the City Clerk to advertise the sale of said property pursuant to N.C.G.S. 160A-269.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-161 was unanimously adopted.

Complete text of Resolution No. 82-161 will be found in Resolution Book No. 13 at page 312.

RESOLUTION NO. 82-157 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CORPORATE ROOF SERVICES, INCORPORATED

15. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Corporate Roof Services, Incorporated.

The City Manager read the resolution stating that the City Engineering Division has requested and received a proposal from Corporate Roof Services, Inc. to provide professional engineering services necessary for the repairs to the roofs of City Hall and the Municipal Building. This resolution will authorize the Mayor to sign an agreement with Corporate Roof Services, Inc. in the amount of \$5,980.00.

The City Manager presented photographs showing the condition of the roofs of the City Hall and Municipal Building.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-157 was unanimously adopted.

Complete text of Resolution No. 82-157 will be found in Resolution Book No. 13 at page 308.

ORDINANCE NO. 1302 - BUDGET ORDINANCE RELATIVE TO ENGINEERING SERVICES ON CITY HALL ROOF

16. Consideration was given to a budget ordinance amendment relative to engineering services on the City Hall Roof.

The City Manager read the ordinance stating that this budget amendment in the amount of \$5,980 is to reappropriate funds from Fiscal 1981/82 Revenue Sharing Fund for engineering services on City Hall roof.

Councilwoman Frank moved for the adoption of Ordinance No. 1302. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 6-0, Ordinance No. 1302 passed on first and final reading.

RESOLUTION NO. 82-158 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS HILLSIDE STREET SIDEWALK IMPROVEMENT

17. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc. for the project known as Hillside Street Sidewalk Improvements.

The City Manager read the resolution stating that bids were opened on the Hillside Street Sidewalk Improvement Project on August 2, 1982. Four (4) bids were received. Paving Enterprises, Inc. is the apparent low bidder in the amount of \$7,067.00. Recommendation of acceptance of the low bidder.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-160 was unanimously adopted.

Complete text of Resolution No. 82-160 will be found in Resolution Book No. 13 at page 311.

CLAIMS - SARAH SWANN (POLICE) - HAZEL CARLAND (WATER & SEWER) - DR. WM. MYNATT (WATER & SEWER) - GEORGIA WILLIAMS (WATER & SEWER) - GLADYS WEISER (PUBLIC WORKS)

The City Manager presented claims received from Sarah Swann, Hazel Carland, Dr. Wm. Mynatt, Georgia Williams, and Gladys Weiser.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - CENTURY CLUB DAY - FRIDAY, AUGUST 13, 1982

Mayor Trantham proclaimed Friday, August 13, 1982 as "Century Club Day."

JOINT CITY/COUNTY MEETING REMINDER - AUGUST 24, 1982

The City Manager reminded members of Council that a joint city/county meeting would be held at 3:00 p. m. on August 24, 1982 at the Buncombe County Court House. He said if any member of Council had an item for the agenda for that meeting to let him know. He said several items of discussion would be the Memorial Stadium, a joint telephone study and the downtown fund.

MARVIN CHAMBERS - RECOMMENDATION FOR REPLACEMENT OF H. C. WILKES

Mr. Marvin Chambers presented a list of approximately 612 names supporting Rev. James F. Wills as a replacement for H. C. Wilkes who recently resigned as a member of Council. He also presented a list of credentials and qualifications of Rev. James F. Wills to fill the vacancy.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:50 p. m.

Ray M. Trantham
MAYOR

William F. Wilkes
CITY CLERK

105

SCHEDULING OF PUBLIC HEARING - AMENDING GROUP HOME AND FAMILY CARE HOME PROVISIONS IN ZONING ORDINANCE

20. Consideration was given to a motion scheduling a public hearing relative to repealing Ordinance No. 1175 and 1238 and amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended relative to group home and family care homes for September 2, 1982.

This amendment will bring the group home and family care home ordinance into compliance with the General Statutes of North Carolina.

Vice-Mayor Price moved to schedule a public hearing relative to amending group home and family care home provisions in the Zoning Ordinance for September 2, 1982. This motion was seconded by Councilman Myers and carried unanimously.

REPORT FROM DIRECTOR OF INSPECTIONS - RELATIVE TO 230 CUMBERLAND AVENUE

21. Mr. J. E. Johnson, Director of Inspections, said on May 13, 1982 a public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Cumberland Avenue. After the public hearing, a motion was made and seconded to allow the owner sixty (60) days to remove the junk and debris from around the dwelling and thirty (30) additional days to bring the house into compliance with the Housing Code of the City of Asheville.

Mr. Johnson said he inspected the dwelling and found that some work has been done to the dwelling. He said the dwelling and premises is still in need of many repairs.

Mr. William McCanless, owner of 230 Cumberland Avenue, said he has been working on the rehabilitation of the dwelling and many repairs have been done. He requested additional time to complete the repairs stating that the house has to have complete wiring and some plumbing work.

It was noted that the property, for tax purposes, is appraised at \$112,100.

After discussion, it was the consensus of Council that Mr. Johnson report back to Council in two (2) weeks on the status of the repairs at 230 Cumberland Avenue.

RESOLUTION NO. 82-160 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NATIONAL TESTING FOR INSPECTION AND TESTING OF A 1964, 100 FT. AERIAL LADDER COMPANY

22. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with National Testing for inspection and testing of a 1964, 100 ft. aerial ladder company.

The City Manager read the resolution stating that the professional inspection and testing is necessary for the major refurbishment of a 1964, 100 ft. Aerial Ladder Company.

Mr. Ronald Payne, attorney, representing the petitioners, Battery Park Associates, Ltd., requested that the public hearing be continued for two (2) weeks in order to clear up questions relative to easements before closing the alley.

Councilman McDevitt moved to continue the public hearing for two (2) weeks without further advertisement. This motion was seconded by Councilman Myers and carried unanimously.

PUBLIC HEARING - FURTHER ACTION ON ORDINANCE NO. 1183 - RELATIVE TO THE DEMOLITION OF 22 NORMANDY ROAD

4. A public hearing was held relative to further action on Ordinance No. 1183, an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road.

Vice-Mayor Price opened the public hearing at 4:10 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Mr. J. E. Johnson, Director of Inspections, said on February 4, 1982 Council entered into a six (6) month agreement with Ms. Lottie Jean Fletcher to rehabilitate 22 Normandy Road. He said the agreement expired on August 4, 1982 and the dwelling has not been rehabilitated to minimum code standards. He said no work has been done on the premises in the past two weeks.

Mr. Art Jacobsen, Attorney, said he had just been retained to assist Ms. Fletcher and Ms. Gage in rehabilitating 22 Normandy Road. He said he was aware that the owners were not in compliance with the agreement. He said he is now working with the owners for a loan with Cameron-Brown in the amount of \$35,000 to rehabilitate the dwelling. He requested that Council allow four to six weeks to get the loan approved, an escrow account set up, the yards cleaned, and work started at 22 Normandy Road to rehabilitate the dwelling.

A discussion was held relative to the provisions in the February 4, 1982 agreement relative to an escrow account being set up to cover the costs of repairing the dwelling.

Upon inquiry of Vice-Mayor Price, Mr. Jacobsen said the owners are in the process of obtaining two loans on other properties to repair 22 Normandy Road. He said he was aware that \$35,000 would not bring the dwelling up to code standards.

Upon recommendation of the City Manager, Councilman Pless moved to continue the public hearing for one (1) week instructing that the City Attorney, City Manager, the owners of 22 Normandy Road, and their attorney have a conference and have a written agreement prepared for Council's consideration for the rehabilitation of 22 Normandy Road and further that the outside premises be cleaned by August 26, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

Thursday - August 19, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilmen Joe Pless, Gordon Myers, Larry McDevitt, and Councilwoman Mary Lloyd Frank; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham
(Attending Legislative Committee Meeting in Raleigh)

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 12, 1982 meeting.

Upon motion of Councilman Myers, seconded by Councilman Pless, the minutes of the August 12, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING - CLOSING OF A PORTION OF MELROSE AVENUE

2. A public hearing was held relative to the closing of a portion of Melrose Avenue.

Vice-Mayor Price opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Tom West, attorney, representing the petitioners, Corbin and Carlson, a general partnership, requested that the public hearing be continued for two (2) weeks, giving the petitioners an opportunity to work out an easement problem with the closing of the portion of Melrose Avenue.

Councilwoman Frank moved that the public hearing be continued for two (2) weeks, without further advertisement. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING - CLOSING AN UNNAMED ALLEY IN THE VICINITY OF "BATTERY PARK HOTEL"

3. A public hearing was held relative to the closing of an unnamed alley in the vicinity of "Battery Park Hotel."

Vice-Mayor Price opened the public hearing at 4:08 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

ORDINANCE NO. 1296 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 55 CRESCENT STREET

8. Consideration was given to the third reading of Ordinance No. 1296, an ordinance directing the Housing Officer to demolish that dwelling house known as 55 Crescent Street.

Vice-Mayor Price said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

Mr. J. E. Johnson, Director of Inspections, said Mr. Jordon, an heir to 55 Crescent Street, obtained a permit on August 13, 1982 to repair the dwelling. He said the house has been secured and some yard work has been done.

After discussion, Councilman Pless moved to table the third reading of Ordinance No. 1296 for four (4) weeks. This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE NO. 1297 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Property in the East End/Valley Street Area)

9. Consideration was given to the third reading of Ordinance No. 1297, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" as amended rezoning property in the East End/Valley Street Area.

Vice-Mayor Price said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1297 passed on third and final reading.

Complete text of Ordinance No. 1297 will be found in Ordinance Book No. 9 at page 369.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT -- EAST END/ VALLEY STREET IMPROVEMENT PROJECT

10. Consideration was given to the sale of disposal parcels in the East Riverside Renewal Project and East End/Valley Street Improvement Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project and East End/Valley Street Improvement Project:

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
65	Residential	7,325	7,325	WNC Housing Inc.
105F				
105G	Residential	8,900	8,900	WNC Housing Inc.

ORDINANCE NO. 1303 - A BUDGET ORDINANCE RELATIVE TO SEWER MAINTENANCE COSTS FOR FISCAL 1982/83

5. Consideration was given to a budget ordinance amendment relative to Sewer Maintenance costs for Fiscal 1982/83.

The City Manager read the ordinance stating that this budget amendment in the amount of \$747,042 is to establish a new fund to account for Sewer Maintenance costs for Fiscal 1982/83. Sewer Maintenance operations will be removed from the Water Operating Budget by action of the Water Authority and funded as a Contribution to Sewer Maintenance.

Councilman McDevitt moved for the adoption of Ordinance No. 1303. This motion was seconded by Councilman Pless.

On a roll call vote of 5-0, Ordinance No. 1303 passed on first and final reading.

Complete text of Ordinance No. 1303 will be found in Ordinance Book No. 9 at page 375.

ORDINANCE NO. _____ - BUDGET ORDINANCE AMENDMENT RELATIVE TO ATTRITION CUTS IN VARIOUS DEPARTMENTS

6. Consideration was given to a budget ordinance amendment relative to attrition cuts in various departments.

The City Manager read the ordinance stating that this budget amendment is to allocate attrition cuts to appropriate departments as a result of the philosophy in the 1982-83 budget. He said this would cover positions budgeted but not filled by June 30, 1982.

Councilman McDevitt said he would like to review a list of the particular positions before voting on the ordinance.

Councilman Pless moved to table action on the ordinance for one (1) week. This motion was seconded by Councilman McDevitt and carried unanimously.

ORDINANCE NO. 1304 - A BUDGET ORDINANCE AMENDMENT RELATIVE TO REID CENTER

7. Consideration was given to a budget ordinance amendment relative to Reid Center.

The City Manager read the ordinance stating that this budget amendment is to allocate \$25,000 for the boiler replacement at Reid Center.

Councilwoman Frank moved for the adoption of Ordinance No. 1304. This motion was seconded by Councilman Myers.

On a roll call vote of 5-0, Ordinance No. 1304 passed on first and final reading.

Complete text of Ordinance No. 1304 will be found in Ordinance Book No. 9 at page 376.

RESOLUTION NO. 82-163 - RESOLUTION AUTHORIZING THE MAYOR TO FILE WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION AN AMENDMENT TO THE OPERATING ASSISTANCE GRANT NC-05-4007 FOR THE BALANCE OF FUNDS NOT RECEIVED BY THE CITY OF ASHEVILLE

12. Consideration was given to a resolution authorizing the Mayor to file with the Urban Mass Transportation Administration an amendment to the operating assistance grant NC-05-4007 for the balance of funds not received by the City of Asheville.

The City Manager read the resolution.

Carl Owenby, of the Planning Department, said the City has been informed that there are funds in the amount of \$45,316 available to the City through an amendment to the operating assistance grant of fiscal year 1976. He said the auditors of the grant found the balance and all these funds would go directly to the Transit Authority for operating assistance.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-163 was unanimously adopted.

Complete text of Resolution No. 82-163 will be found in Resolution Book No. 13 at page 315.

RESOLUTION NO. 82-164 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN SUPPORT OF PROJECT NO. 83-P-01

13. Consideration was given to a resolution authorizing the Mayor to enter into a contract with the North Carolina Department of Transportation in support of Project No. 83-P-01.

The City Manager read the resolution.

Carl Owenby, of the Planning Department, said this contract would be the state's portion of financing the technical study grant to implement specific items of the 1982-83 Asheville Urban Area Unified Work Program. He said the state's portion is 10% of the total grant.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-164 was unanimously adopted.

Complete text of Resolution No. 82-164 will be found in Resolution Book No. 13 at page 316.

CLAIMS - HOWARD LYDA (WATER AND SEWER) - DON McMINN (WATER AND SEWER) - EDEL SEAY (WATER AND SEWER)

The City Manager presented claims received from Howard Lyda, Don McMinn, and Edel Seay.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

Larry Holt, Deputy Executive Director of the Housing Authority, said Parcel 65 is located in the East End/Valley Street area on Pine Street opposite the intersection of Miller and Pine Street. He said the developers propose to construct an eight (8) unit apartment complex for the mildly, moderately, mentally retarded. He said there would be two structures, four units to each structure. He said the project is estimated to cost \$280,000.

Mr. Holt said Parcels 105F and 105G are located in the East Riverside Renewal Project at the corner of Ralph Street and Ora Street. He said the developers propose to construct a five (5) unit group home for autistic adults - one unit to consist of bedroom and bath. He said the project is estimated to cost \$175,000.

A letter was presented from W. B. Burton, Chairman of the East End Neighborhood Organization, showing community endorsement of the project.

Mr. Emrick, Director of Planning, said both projects would have to go through the group development review and Council would have to approve the projects through this review.

Mr. Larry Thompson, with the WNC Housing, Inc., spoke in support of the sale of the disposal parcels.

Councilman McDevitt moved to approve the sale of the disposal parcels as tentatively accepted by the Housing Authority. This motion was seconded by Councilman Pless and carried unanimously.

RESOLUTION NO. 82-162 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

11. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

The City Manager read the resolution.

Carl Owenby, of the Planning Department, said this is an annual grant with the U. S. Department of Transportation to aid in the financing of a technical study grant to implement specific items of the 1982-83 Asheville Urban Area Unified Work Program. He said the grant is funded 80% by the federal, 10% by the State, and 10%, or \$2,600 as local share.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-162 was unanimously adopted.

Complete text of Resolution No. 82-162 will be found in Resolution Book No. 13 at page 314.

DISCUSSION RELATIVE TO REQUEST OF WATER AUTHORITY FOR WATER FUNDS

The City Manager advised that the Water Authority acted on Council's request relative to the \$841,000 owed to the General Fund by the Water Fund. He said after discussion, the Water Authority voted to decline to honor the City's claim for the \$841,000 stating the these funds were needed for capital improvements to the water system which would economically benefit the City of Asheville. He said, in essence, the Water Authority is requesting that the City forgive the debt of \$841,000.

Councilman McDevitt said he would not be inclined to vote to forgive the debt and let the citizens of Asheville think that Council is just "writing off the debt" without some reservations.

It was the consensus of Council to discuss this issue further at a later date.

ANNOUNCEMENT OF JOINT CITY/COUNTY MEETING - AUGUST 24, 1982 - 3:00 P. M.

The City Manager announced a joint City/County meeting on August 24, 1982 at 3:00 p. m. in the County Commissioners Chambers in the Buncombe County Court House.

REPORT RELATIVE TO SEWER LINE AT AIRPORT

The Associate City Manager presented members of Council with a report relative to the Metropolitan Sewerage District constructing a 24" Interceptor Line at the Airport. He said the City would be requested to contribute to the construction of this sewer line.

REPORT RELATIVE TO TRAFFIC SIGNAL REQUESTS TO THE N.C. DOT

The City Manager said the N. C. Department of Transportation has advised the City that the traffic signalization requested on U. S. 25 at Busbee Road is on the statewide priority list. He said they also advised that the intersection of Sand Hill Road/Salola/Shelburne Road does not warrant signalization at this time.

REPORT PRESENTED ON LAWSUITS PENDING

The City Manager presented members of Council with a report received from the Corporation Counsel relative to all lawsuits pending involving the City of Asheville.

DISCUSSION RELATIVE TO CLOSING WOODFIN LANDFILL - CANCELLATION OF LEASE

The City Manager advised Council that he is proceeding with the closing of the Woodfin Landfill by notifying the Lessors of the termination of the lease agreement. He said the lease agreement has a provision for a twelve (12) month's notice before the termination. He said he would write the Lessor advising them of the closing of the Landfill and cancellation of the lease agreement effective midnight, June 30, 1983. He said he would request that the City be relieved of the lease agreement sooner than June 30, 1983.

RESOLUTION NO. 82-165 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

Consideration was given to a resolution appointing members to the Asheville-Buncombe County Youth Council.

After discussion, Councilman McDevitt moved to approve the resolution reappointing Catheryn Kinser and Herb Watts as members of the Asheville-Buncombe County Youth Council and to appoint Ms. Yvette Forshaw and Mr. Ken McDaniels as members of the Asheville-Buncombe County Youth Council. This motion was seconded by Councilman Pless and carried unanimously.

Complete text of Resolution No. 82-165 will be found in Resolution Book No. 13 at page 317.

It was the consensus of Council that the term of Ms. Helen Parks as a member of the Asheville-Buncombe County Youth Council be declared vacant due to Ms. Parks inability to attend the meetings of the Council. Council requested that the Youth Council submit recommendations to fill the vacancy created by Ms. Parks.

RESOLUTION NO. 82-166 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

Consideration was given to a resolution appointing members to the Asheville Tree Commission.

After discussion, Councilman Pless moved to approve Resolution No. 82-166 reappointing Ms. Elrita Nesby and Anthony Lord as members of the Asheville Tree Commission and appointing Mr. John Broadbooks as a member of the Asheville Tree Commission. This motion was seconded by Councilman Myers and carried unanimously.

Complete text of Resolution No. 82-166 will be found in Resolution Book No. 13 at page 318.

DISCUSSION RELATIVE TO VARIOUS APPOINTMENTS TO BOARDS AND COMMISSIONS (Asheville Revitalization Commission - Planning and Zoning Commission - City Personnel Advisory Commission)

It was the consensus of Council to hold off on reappointments to the Asheville Revitalization and Economic Development Commission.

Council requested that they be furnished a "Resource List" for appointments to the Planning and Zoning Commission and the City Personnel Advisory Commission. These appointments are necessary due to the resignation of Ms. Pauline Tennant from the Planning and Zoning Commission and Mr. Harry Clarke's resignation from the City Personnel Advisory Commission.

COUNCIL COMMITTEE ASSIGNMENT - METROPOLITAN SEWERAGE DISTRICT REPORT

Vice-Mayor Price said she would give Council a report relative to the Metropolitan Sewerage District taking over sewer responsibilities at next week's work session.

Thursday - August 26, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilmen Joe Pless, Gordon Myers, Larry McDevitt, and Councilwoman Mary Lloyd Frank; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending Conference on Community Development in Raleigh)

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the August 19, 1982 meeting.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, the minutes of the August 19, 1982 meeting were unanimously approved as submitted.

ORDINANCE NO. 1305 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE RICEVILLE ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A, OF THE GENERAL STATUTES OF NORTH CAROLINA

2. Consideration was given to an ordinance to extend the Corporate Limits of the City of Asheville into the Riceville Road Area under the authority granted by Part 3, Article 4A, Chapter 160A, of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, said during the public hearing on August 12, 1982 it was requested that several lots be excluded from the annexation area. However, it is the staff's recommendation that no changes be made in the annexation area at this time.

The following individuals spoke in opposition to the annexation of the Riceville Road Area:

Mr. John Stone, Kanuth Road
Ms. Susanne Higgins, also presenting a petition in opposition.
Ms. Pearl Shelton, Maple Springs Road
Ms. Ruby Gibbs, Kanuth Road
Mr. Herman Medler, West Asheville
Mr. Bryan Robinson, Craig Circle

Mr. Verl Emrick read the ordinance.

Mr. Emrick noted that if the properties requested to be excluded, are in fact excluded, the parcel of land would be in the county, surrounded by the city, which could possibly cause problems with protected services such as fire and police. He said he would recommend that the properties not be excluded from the proposed annexation area.

175
The City Manager said an interest had been expressed by the County for a countywide recreational facility at the Woodfin Landfill.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:15 p. m.

Ray M. Hannan
MAYOR

William F. Mallett
CITY CLERK

**CONTINUATION OF PUBLIC HEARING - FURTHER ACTION ON ORDINANCE NO. 1183 -
DEMOLITION OF 22 NORMANDY ROAD**

5. A public hearing was continued relative to further action on Ordinance No. 1183, an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road.

Note: On February 4, 1982 Council entered into a six (6) months agreement with Ms. Lottie Jean Fletcher to rehabilitate 22 Normandy Road. It has been determined that the work, as agreed to, has not been completed. This public hearing was continued from the August 19, 1982 meeting.

The City Manager said, as directed by Council, a meeting was held with Mrs. Gage, one of the property owners, and Attorney Art Jacobson to work out an agreement for the rehabilitation of 22 Normandy Road. He said Council had also directed that the yards at 22 Normandy Road be cleaned by today's meeting. He reported that the yards are not cleaned and it would take a minimum of two (2) more weeks to clean the debris from the yards.

Attorney Art Jacobson presented signed agreements and a power of attorney agreement in order for him to handle all construction matters dealing with the restoration of the dwelling. He said the loan funds, to be used for the restoration, have not been completed but should be finalized in about two (2) weeks. He said the owners of the dwelling have agreed, if necessary, to mortgage other property they own for the rehabilitation of the dwelling. He said the agreement with the City indicates that the grounds of 22 Normandy Road and the dwelling would be brought into compliance by January 1, 1983.

The City Manager highlighted all the facts outlined in the agreement. He said the Ordinance to demolish the dwelling would still be in effect during the state of repairs.

Several members of Council indicated that they felt it would be necessary for all the loans to be approved and the money in an escrow account prior to the City entering into an agreement for the restoration of the dwelling.

After discussion, Councilman Pless moved to continue the public hearing for four (4) weeks, without further advertisement, giving the Attorney time to get all loans associated with the repairs approved. This motion was seconded by Councilman Myers and carried unanimously. It was noted that if the attorney secured the loans prior to four (4) weeks he could ask that the matter be scheduled on Council's agenda.

**REPORT FROM DIRECTOR OF INSPECTIONS - DEMOLITION OF 230 CUMBERLAND
AVENUE**

6. Note: On May 13, 1982 a public hearing was held relative to the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 230 Cumberland Avenue. After the public hearing, a motion was made and seconded to allow the owner sixty (60) days to remove the junk and debris from around the dwelling and thirty (30) additional days to bring the house into compliance with the Housing Code. At the August 12, 1982 meeting a report was made by the Director of Inspections and it was the consensus of Council to have the Director report back in two (2) weeks.

After discussion, Councilman McDevitt moved for the adoption of Ordinance No. 1305. This motion was seconded by Councilwoman Frank.

Councilman Pless said he could not support the ordinance since the city is involved in pending annexation suits.

A discussion was held relative to the affects of annexation and the proposed consolidated governments.

On a roll call vote of 4-1, Ordinance No. 1305 passed on first reading, with Vice-Mayor Price, Councilman Myers, Councilwoman Frank, and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

ORDINANCE NO. 1306 - BUDGET ORDINANCE AMENDMENT RELATIVE TO FUNDING FOR THE DEMOLITION OF 78 CONGRESS STREET

3. Consideration was given to a budget ordinance amendment relative to funding for the demolition of 78 Congress Street.

The City Manager read the ordinance stating that this budget amendment in the amount of \$2,000 is to provide funding for demolition of 78 Congress Street. City costs to be reimbursed by placing a lien on the property. He said since the Board of Tax Supervision is the owner of this property he would encourage the Tax Board to sell the properties.

Councilman Pless moved for the adoption of Ordinance No. 1306. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1306 passed on first and final reading.

Complete text of Ordinance No. 1306 will be found in Ordinance Book No. 9 at page 381.

ORDINANCE NO. 1307 - BUDGET ORDINANCE AMENDMENT RELATIVE TO FUNDING FOR CITY BARN RENOVATIONS REQUIRED BY VALLEY STREET WIDENING

4. Consideration was given to a budget ordinance amendment relative to funding for City Barn renovations required by Valley Street widening.

The City Manager read the ordinance stating that this budget amendment in the amount of \$117,125 is to appropriate funding for City Barn renovations required by Valley Street widening. The funds are from N. C. Department of Transportation for the City's property taken for right-of-way and have already been received.

Councilman McDevitt moved for the adoption of Ordinance No. 1307. This motion was seconded by Councilman Myers.

On a roll call vote of 5-0, Ordinance No. 1307 passed on first and final reading.

Complete text of Ordinance No. 1307 will be found in Ordinance Book No. 9 at page 382.

Mr. Lunsford said he knew of other people doing heating and air conditioning work in the City of Asheville who do not have state electrical licenses.

After discussion, it was the consensus of Council to request Councilman Pless, along with the Code Study Committee, to review Mr. Lunsford's concerns and to look into the possibility of the state allowing oral test instead of written test.

RALPH BISHOP COMMENTS - LOTTERY SALES IN THE CITY

10. Mr. Ralph Bishop again spoke to Council about the lottery operations in the City of Asheville.

ORDINANCE NO. 1308 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE ASCENSION DRIVE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

11. Consideration was given to an ordinance to extend the Corporate Limits of the City of Asheville into the Ascension Drive Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1308. This motion was seconded by Councilman Myers.

On a roll call vote of 4-1, Ordinance No. 1308 passed on first reading, with Vice-Mayor Price, Councilman Myers, Councilwoman Frank, and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

ORDINANCE NO. 1309 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE JOHNSTON SCHOOL ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

12. Consideration was given to an ordinance to extend the Corporate Limits of the City of Asheville into the Johnston School Road area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Verl Emrick, Director of Planning, read the ordinance.

Councilman Myers moved for the adoption of Ordinance No. 1309. This motion was seconded by Councilman McDevitt.

On a roll call vote of 4-1, Ordinance No. 1309 passed on first reading, with Vice-Mayor Price, Councilman Myers, Councilwoman Frank, and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

Mr. J. E. Johnson, Director of Inspections, said he made an inspection of 230 Cumberland Avenue today and found debris in the yards. He said part of the debris has been cleaned however, most of it was "moved around." He said some work has been done on the inside of the dwelling. He said no electrical work has been done in the past two weeks.

Mr. William McCanless, owner of 230 Cumberland Avenue, outlined what the Director of Inspections had informed him to have done and what repairs had been done on the dwelling. He said he needed additional time to have all the repairs completed.

After discussion, Councilman McDevitt moved to direct the City Manager and City Attorney to meet with Mr. McCanless and work out a written agreement for the dwelling to be brought into compliance within a certain time period. He requested that the written agreement be brought back to Council in two (2) weeks. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-167 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APAC-CAROLINA, INC. FOR THE PROJECT KNOWN AS DEPOT STREET IMPROVEMENT PROJECT

7. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with APAC-Carolina, Inc. for the project known as Depot Street Improvement Project.

The City Manager read the resolution stating that bids were opened on August 16, 1982 on the Depot Street Improvement Project. Four (4) bids were received. APAC-Carolina, Inc. is the apparant low bidder in the amount of \$123,291.34. Recommendation of acceptance of low bidder.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-167 was unanimously adopted.

Complete text of Resolution No. 82-167 will be found in Resolution Book No. 13 at page 319.

RECOMMENDATION OF HAROLD BROWNLEE AS A REPLACEMENT FOR H. C. WILKES ON THE CITY COUNCIL - MADE BY HERMAN MEDLER

8. Mr. Herman Medler requested that Council consider Mr. Harold Brownlee as a replacement for H. C. Wilkes on the Asheville City Council.

COMMENTS BY DANIEL LUNS福德 - REQUIREMENT TO HAVE CONTRACTOR'S LICENSES

9. Mr. Daniel Lunsford of 18 Hickory Tree Road, complained to members of Council relative to a requirement that a state electrical contractor's license is needed to do heating and air conditioning work in the City of Asheville. He said he tried to pass the test in Raleigh but failed. He said he felt he could pass the test if it was orally given.

PROCLAMATION - SEPTEMBER 7, 1982 - "PEACE DAY"

Vice-Mayor Price proclaimed September 7, 1982 as "Peace Day."

REQUEST FOR DISPLAY SIGN - "HEY DAY NATURE CENTER SEPTEMBER 25-"

The City Manager presented a request from Ms. Evelyn M. Bennett to display a sign on the Cagle Building adjacent to Pritchard Park in downtown Asheville to publicize the "Hey Day" fund raising event for the Nature Center. The event is to be held the weekend of September 25, 1982. She requested that she be allowed to display the sign beginning with September 3rd through the weekend of September 25, 1982.

Councilman McDevitt moved to approve the display of the "Hey Day" sign as requested by Ms. Bennett. This motion was seconded by Councilman Pless and carried unanimously.

REQUEST FOR DISPLAY SIGN - "UNITED WAY BANNER"

The City Manager presented a request from Jay Banks from the Asheville Citizen Times to display the United Way Banner at City Hall from September 13 through September 17 and at the Broadway-Masonic Temple area throughout the United Way campaign.

Councilman McDevitt moved to approve the display of the United Way Banner as requested by Mr. Banks. This motion was seconded by Councilman Pless and carried unanimously.

STORM DRAINAGE PROBLEMS AT 20 EVE LAKE CIRCLE- REPORT BY CITY MANAGER

The City Manager reported that Ms. Mary Ann Chance at 20 Eve Lake Circle has a storm drainage problem that she has requested be repaired by the City. He said at times the storm drainage problem causes damage to the city's sewer line. He said it would cost approximately \$7,000 - \$10,000 to repair the storm drainage problem. He reported that he informed Ms. Chance that he would not recommend that the City repair the storm drainage problem.

ADJOURNMENT

Upon motion, the meeting adjourned at 7:05 p. m.


MAYOR

CITY CLERK

ORDINANCE NO. 1310 - A BUDGET ORDINANCE AMENDMENT RELATIVE TO ATTRITION CUTS TO APPROPRIATE DEPARTMENTS

13. Consideration was given to a budget ordinance amendment relative to attrition cuts to appropriate departments.

The City Manager read the ordinance stating that this budget amendment is to allocate attrition cuts to appropriate departments.

Councilman Myers moved for the adoption of Ordinance No. 1310. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1310 passed on first and final reading.

Complete text of Ordinance No. 1310 will be found in Ordinance Book No. 9 at page 390.

REQUESTS OF INDIVIDUALS FROM SENIOR OPPORTUNITY CENTER - RE: BUDGET CUTS

14. The City Manager said several individuals at the Senior Opportunity Center requested that the City retain the Van Driver at the Center full time and to have an Activity Specialists full time. He said it is his understanding that Vice-Mayor Price and Councilwoman Frank will be meeting with the Council on Aging and would have a report from them next week relative to assistance at the Senior Opportunity Center.

APPROVAL FOR CITY MANAGER TO ENTER INTO AGREEMENT WITH HARRY HENDON AND ASSOCIATES FOR SEWER LINE AT THE AIRPORT

15. After discussion, Councilman Pless moved to authorize the City Manager to enter into an agreement with Harry Hendon and Associates in the amount of \$3,500 for engineering services in connection with a new sewer line at the Airport. This motion was seconded by Councilwoman Frank and carried unanimously.

PROCLAMATION - 1982-83 SCHOOL YEAR AS "THE YEAR OF THE PUBLIC SCHOOLS"

16. Vice-Mayor Price proclaimed the 1982-83 School Year as "The Year of the Public Schools."

CLAIMS - HORACE BATES (PUBLIC WORKS) - WILLIAM WAGNER (WATER AND SEWER) - GEORGE WEAVER (WATER AND SEWER) - SHEILA GARRETT (WATER AND SEWER) - JAMES FILLERS (WATER AND SEWER) - ROUNDESICS (WATER AND SEWER)

17. The City Manager presented claims received from Horace Bates, William Wagner, George Weaver, Sheila Garrett, James Fillers, and Roundesics.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

5. A public hearing was held relative to repealing Ordinance No. 1175 and 1238 and amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville, as amended, relative to group home and family care homes.

Mayor Trantham opened the public hearing at 4:15 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Mr. Verl Emrick, Director of Planning, stated that this ordinance will bring the group home and family care home ordinance into compliance with the General Statutes of North Carolina.

Mayor Trantham closed the public hearing at 4:18 p.m.

Mr. Verl Emrick read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1311. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 5-0, Ordinance No. 1311 passed on its first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1311. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1311 passed on its second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1311. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1311 passed on its third and final reading.

Ordinance No. 1311 will be found in Ordinance Book No. 9 at page 391.

ORDINANCE NO. 1305 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE RICEVILLE ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA.

6. Consideration was given to the second reading of Ordinance No. 1305, an ordinance to extend the Corporate Limits of the City of Asheville into the Riceville Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was read on its first reading and would not be re-read in its entirety unless there was a specific request to do so.

The following individuals spoke in opposition to the annexation of the Riceville Road Area:

Mrs. Susanne Higgins, Kanuth Road

Mrs. Ruby Gibbs, Kanuth Road, spoke for her son-in-law Mr. Stone and herself

Ms. Pearl Shelton, Maple Springs Road

Thursday, September 2, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank; Councilmen Joe Pless and Larry McDevitt; Corporate Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gordon S. Myers (out of town)

INVOCATION

1. The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

2. Approval of the minutes of the August 26, 1982, meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the August 26, 1982, meeting were unanimously approved as submitted.

CONTINUATION OF A PUBLIC HEARING - CLOSING OF MELROSE AVENUE

3. A public hearing was continued relative to the closing of Melrose Avenue.

Mayor Trantham stated that this public hearing was continued from the August 19, 1982.

Mr. Gwynn Radeker, representing the petitioners, Corbin and Carlson, said that the easement problem has been worked out.

Mr. William F. Wolcott, III, attorney representing Mrs. Ruth Barfield, owner of a lot abutting Melrose Road, stated that Mrs. Barfield has no immediate plans for the land, but would like some additional time to determine what effects the closing would have relative to her right-of-way to her property in the future.

Councilman McDevitt moved that the public hearing be continued for two (2) weeks, without further advertisement. This motion was seconded by Councilwoman Frank and carried unanimously.

CONTINUATION OF A PUBLIC HEARING - CLOSING AN UNNAMED ALLEY IN THE VICINITY OF "BATTERY PARK HOTEL"

4. This item was deleted from the agenda at the petitioner's request.

Mr. David Matney, attorney representing the petitioners, requested that this hearing be continued for one week, without further advertisement.

PUBLIC HEARING - BRINGING GROUP HOMES AND FAMILY CARE HOMES ORDINANCES INTO COMPLIANCE WITH THE GENERAL STATUTES OF NORTH CAROLINA

ORDINANCE NO. 1311 - AN ORDINANCE REPEALING ORDINANCE NO. 1175 AND 1238 AND AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1312. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1312 passed on its second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1312. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1312 passed on its third and final reading.

Complete text of Ordinance No. 1312 will be found in Ordinance Book No. 9 at page 393.

BUDGET AMENDMENT ORDINANCE RELATIVE TO THE ALLOCATION OF LINE ITEM CUTS IN APPROPRIATE DEPARTMENTS

10. This item was deleted from the agenda at the request of Mr. Robert G. Wurst, Budget Director.

RESOLUTION NO. 82-168 - RESOLUTION ACCEPTING THE HIGH BID AND AUTHORIZING THE SALE OF THE CITY OF ASHEVILLE PROPERTY LOCATED ON THE SOUTHEAST RAMP OF I-26 AND THE ASHEVILLE AIRPORT ROAD

11. Consideration was given to a resolution accepting the high bid and authorizing the sale of the City of Asheville property located on the southeast ramp of I-26 and the Asheville Airport Road.

The City Manager read the resolution.

Upon suggestion of Councilman McDevitt, Vice-Mayor Price asked that the resolution be amended to insert "that the proceeds from this sale be put into the Economic Development Trust Fund." This motion was seconded by Councilwoman Frank and carried unanimously.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-168, as amended, was unanimously adopted.

Complete text of Resolution No. 82-168 will be found in Resolution Book No. 13 at page 320.

RESOLUTION NO. 82-169 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

12. Consideration was given to a resolution appointing members to the Asheville Area Civic Center Commission.

The City Manager read the resolution stating that the resolution will reappoint Mr. Dick Trammell, Dr. Walter R. Boland and Mrs. Dorothy Fligel as members of the Asheville Area Civic Center Commission and will also appoint Mr. G. Gordon Greenwood, Jr. to serve the unexpired term of Mr. Bruce Barnes to the Commission.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 82-169 was unanimously adopted.

On a roll call vote of 4-1, Ordinance No. 1305 passed on its second reading, with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

ORDINANCE NO. 1308 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE ASCENTION DRIVE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

7. Consideration was given to the second reading of Ordinance No. 1308, an ordinance to extend the Corporate Limits of the City of Asheville into the Ascention Drive Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was read on its first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 1308 passed on its second reading, with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

ORDINANCE NO. 1309 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE JOHNSTON SCHOOL ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3 ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

8. Consideration was given to the second reading of Ordinance No. 1309, an ordinance to extend the Corporate Limits of the City of Asheville into the Johnston School Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was read on its first reading and would not be re-read unless there was a specific request to do so.

On a roll call vote of 4-1, Ordinance No. 1309 passed on its second reading, with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank and Councilman McDevitt voting "aye" and Councilman Pless voting "no."

ORDINANCE NO. 1312 - AN ORDINANCE REPEALING WATER RATES

9. Consideration was given to an ordinance repealing water rates.

The City Manager read the ordinance stating that an overall 20% rate increase by Water Authority Resolution No. 82-15 was adopted by the Water Authority, by authority given to them in Article IV(b)3 of the Water Agreement, and was further adopted by the City Council on 6/8/82 and the County Commissioners on 6/29/82. He said that Ordinance No. 1221 adopted 6/25/81, which established the pre-existing water rate structure needed to be repealed.

Councilman McDevitt requested the minutes to reflect that he voted against the raising of water rates but would vote for this ordinance since it is really a "house-keeping chore."

Vice-Mayor Price moved for the adoption of Ordinance No. 1312. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1312 passed on its first reading.

Actually, he obtained this letter upon his return to Zirconia the day after your meeting at which his request was denied.

By copy of this letter I am requesting each member of our esteemed City Council please to give favorable consideration to the adoption of a resolution "to rescind or repeal" Council's action on 8 July 1982 as provided by Rule 13 of Rules and Procedures for Asheville City Council.

I have taken the liberty of forwarding with copies of this letter to others concerned a copy of Ray Anders' letter of 14 July 1982; because, I believe, it sets forth some of the salient contentions contained in Mr. Stierwalt's request for the City's authorization of a mobile home park in the Oakley section. Also, it has been brought to my attention that perhaps City Council did not have available to it on 8 July 1982 the most up-to-date information with regard to traffic count and plans for the construction of one or more new ways of ingress and egress in the area, particularly to be voluntarily imposed upon land owned by Mr. and Mrs. Stierwalt.

Frankly, I believe that Mr. and Mrs. Stierwalt's request for rescission or repeal has a tremendous amount of merit. Their proposed project would undoubtedly result in a substantial increase in the County tax base; and it would make available to young people and others who can afford no other housing at least a certain number of additional spaces upon which to locate homes already owned by them or contemplated by them.

Simply put, Mr. Mayor and Members of the Council, to reconsider an ultimate rescission of the previous denial will be greatly appreciated. And, if in the process you feel another hearing is in order, please be assured that Mr. and Mrs. Stierwalt and others in their behalf will be present when needed or requested.

Thank you for this and many past kindnesses.

Respectfully yours,

HORTON, HORTON & MOORE

s/ Shelby E. Horton"

Mr. Shelby E. Horton reviewed the letter and urged the Council to reconsider their action on July 8, 1982, and approve the Oakley Mobile Home Park.

Mrs. Dale Stierwalt, owner of the property, spoke to Council with a request for reconsideration of Council's decision to deny this development.

Mr. Ray Anders, engineer of the proposed project, spoke in favor of the project to Council.

Mayor Trantham advised the public that the Council will take this information under advisement.

Councilman Pless stated that both sides involved in this development should be given ample advance notice prior to Council's consideration of this request.

Vice-Mayor Price stated that this would be brought up at next week's Council worksession.

127

Complete text of Resolution No. 82-169 will be found in Resolution Book No. 13 at page 321.

RESOLUTION NO. 82-170 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE INSURANCE ADVISORY COMMITTEE

13. Consideration was given to a resolution appointing a member to the Asheville-Buncombe Insurance Advisory Committee.

The City Manager read the resolution which will appoint Mr. Robert B. Gelder, Jr. as a member of this Committee to serve for a term of four years, term expiring October 1, 1986.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-170 was unanimously adopted.

Complete text of Resolution No. 82-170 will be found in Resolution Book No. 13 at page 322.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH YOUNG'S SHEET METAL AND ROOFING, INC. FOR THE PROJECT KNOWN AS ROOF REPAIRS/ REPLACEMENT FOR ASHEVILLE CIVIC CENTER

14. This item was deleted from the agenda at the request of Mr. Robert G. Wurst, Budget Director.

RESOLUTION NO. 82-171 - RESOLUTION OF INTENT TO TEMPORARILY CLOSE A PORTION OF VANCE GAP ROAD AS SHOWN ON TAX SHEET 25 AND 26, WARD 8, BUNCOMBE COUNTY TAX MAPS AND SETTING A PUBLIC HEARING ON THE MATTER

15. Consideration was given to a resolution of intent to temporarily close a portion of Vance Gap Road as shown on Tax Sheet 25 and 26, Buncombe County Tax Maps and setting a public hearing on the matter for October 7, 1982.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-171 was unanimously adopted.

Complete text of Resolution No. 82-171 will be found in Resolution Book No. 13 at page 323.

REQUEST FOR RECONSIDERATION OF OAKLEY MOBILE HOME PARK

The City Manager presented the following letter from Mr. Shelby Horton, dated August 23, 1982:

"RE: Council Reconsideration - Oakley Mobile Home Park

Dear Mayor Trantham:

Your letter to Mr. Dale Stierwalt dated 11 August 1982 has been referred to me for reply. Please be advised and so inform all other members of the Asheville City Council that Mr. Stierwalt, due to a death in the family, was in the state of Florida when the letter announcing consideration of his project was delivered to his home.

LETTER RELATIVE TO PROPOSED PUBLIC USE POLICY FOR SPEAKERS AT PRITCHARD PARK AND CITY COUNTY PLAZA

The City Manager read the following letter dated August 24, 1982:

"The Asheville Parks and Recreation Advisory Board at their regular meeting on Wednesday, August 11, voted unanimously to establish the attached public use policy for speakers at Pritchard Park and City County Plaza. As a part of this policy the board unanimously agreed to establish a \$1.00 fee per permit as an administrative charge for permits issued for public speaking at Pritchard Park. In accordance with previously established policy, the Advisory Board is recommending that this fee be approved by City Council, or if not disapproved by Council within thirty (30) days, the fee will be instituted.

"Please let me know if you do not wish for me to institute this fee effective October 1, 1982."

PUBLIC USE POLICY

PARKS AND RECREATION DEPARTMENT

1. Public speaking is permitted at Pritchard Park and City-County Plaza upon request to the Director of Parks and Recreation.
2. Application for facility use permits must be made in person at the Parks and Recreation office in City Hall.
3. Requests for permit will be received not more than ten days in advance of the requested date.
4. There may be no more than two street speakers per day at any one location.
5. There must be at least a one hour break between speakers.
6. No amplification equipment may be used at Pritchard Park.
7. A \$1.00 fee permit will be charged as an administrative charge.
8. No permit shall be issued on the same day that it is to be used.

Other activities in addition to street speaking may be scheduled in these public areas at the discretion of the Director of Parks and Recreation.

It was Council's consensus to delay action on this for one week in order to give the staff the opportunity to look into other policies or ordinances which might apply to this matter for public speakers.

HOSPITALIZATION GROUP COVERAGE

The City Manager stated that the Fringe Benefit Committee reviewed and approved the bid specifications for hospitalization group coverage.

Councilman McDevitt moved that the staff proceed on bidding the hospitalization group coverage specifications. This motion was seconded by Councilwoman Frank and carried unanimously.

CLAIMS - ELLEN SCHOENBERG (WATER & SEWER) - JAMES GARDNER (WATER & SEWER) - ROBERT BENNETT (PUBLIC WORKS) - EDDIE MAXWELL (WATER & SEWER) - JOSEPH DIMODICA (PUBLIC WORKS) - MARY MCCARTHY (WATER & SEWER) - DALE MEDLOCK (PUBLIC WORKS) - ERNEST STRICKLAND (POLICE)

The City Manager presented claims received from Ellen Schoenberg, James Gardner, Robert Bennett, Eddie Maxwell, Joseph Dimodica, Mary McCarthy, Dale Medlock and Ernest Strickland.

Mayor Trantham referred the claims to the Corporate Counsel for investigation and recommendation.

PROCLAMATION - NATIONAL CANCER DAY

Mayor Trantham proclaimed September 8, 1982, as "National Cancer Day."

PROCLAMATION - 29TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION

Mayor Trantham proclaimed the week of September 5-11, 1982, as the "29th Anniversary of the National Association of Women in Construction."

LETTER RELATIVE TO A TRAFFIC SIGNAL AT THE INTERSECTION OF LARCHMONT AND MERRIMON

The City Manager read the following letter dated August 26, 1982:

"Reference is made to our exchange of correspondence regarding a traffic signal at the Intersection of US 25 (Merrimon Avenue) and Larchmont Drive in the City of Asheville. First, our apology for not having responded to your request sooner. Through oversight, the original file became side-tracked and has now resurfaced. This being due to Paul Dutcher's just now reminder to me that your office had not received a reply.

"The criteria for installation of a traffic signal is predicated on the traffic volumes entering the intersection and an analysis of the accidents occurring thereat. Our accident analysis revealed that those preventable through use of a traffic signal (right angle collisions) were minimal during the past two to three years. Also, traffic counts of entering vehicles from the side street onto US 25 were found to be well below those required to justify a traffic signal at this location. Therefore, we do not consider this type traffic control device to be warranted at this time. However, we will keep this intersection under surveillance, and, if any changes occur in the above accident patterns or vehicle volumes, we will certainly reconsider the need for a signal or other improvement.

"We do sincerely appreciate the councils interest in highway safety and if we can be of any further assistance, please advise.

Very truly yours,

W. B. Cochran
Division Traffic Engineer
State of North Carolina
Department of Transportation"

ADJOURNMENT

The meeting adjourned at 5:55 p.m.

Raymond J. ...
MAYOR

William F. ...
CITY CLERK

RESOLUTION NO. 82-172 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR
FIRE PROTECTION SERVICES WITH THE VETERANS ADMINISTRATION HOSPITAL AT OTEEN

Consideration was given to a resolution authorizing the Mayor to sign a contract for fire protection services with the Veterans Administration Hospital at Oteen.

The City Manager read the resolution stating that this contract would be for a period of October 1, 1982 through September 30, 1983.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-172 was unanimously adopted.

Complete text of Resolution No. 82-172 will be found in Resolution Book No. 13 at page 325.

RESOLUTION NO. 82-173 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO DISPOSE OF
SURPLUS PROPERTY

Consideration was given to a resolution authorizing the Director of Finance to dispose of surplus property.

The City Manager read the resolution stating that there are several items of City personal property located throughout the various divisions and activities of the City that are no longer useful for City purposes and that the City would like to dispose of this property by public auction. He said that this auction will be open at 9:00 a.m. on Friday, September 24, 1982. He said that sealed bids will be received until 3:00 p.m. on Saturday, September 25, 1982. He said that the property will be offered for sale at the City Hall building and other locations announced in the auction bid procedure instructions.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-173 was unanimously adopted.

Complete text of Resolution No. 82-173 will be found in Resolution Book No. 13 at page 326.

RESOLUTION NO. 82-174 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION
FOR APPALACHIAN REGIONAL COMMISSION FUNDS FOR AIRPORT AREA SEWER LINE

Consideration was given to a resolution authorizing the Mayor to execute an application for Appalachian Regional Commission funds for Airport Area Sewer Line.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-174 was unanimously adopted.

Complete text of Resolution No. 82-174 will be found in Resolution Book No. 13 at page 327.

RALPH BISHOP

Mr. Ralph Bishop suggested the names of Hugh Franklin Lunsford and Jasper V. Plemmons for the replacement of H. C. Wilkes on the Asheville City Council.

Due to the absence of several members of Council, Councilwoman Frank moved to postpone the third reading of Ordinance No. 1305 until September 30, 1982. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1308 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE ASCENSION DRIVE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

5. Consideration was given to the third reading of Ordinance No. 1308, an ordinance to extend the Corporate Limits of the City of Asheville into the Ascension Drive Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Due to the absence of several members of Council, Councilwoman Frank moved to postpone the third reading of Ordinance No. 1308 until September 30, 1982. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1309- AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE JOHNSTON SCHOOL ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

6. Consideration was given to the third reading of Ordinance No. 1309, an ordinance to extend the Corporate Limits of the City of Asheville into the Johnston School Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Due to the absence of several members of Council, Councilwoman Frank moved to postpone the third reading of Ordinance No. 1309 until September 30, 1982. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1313 - A BUDGET ORDINANCE AMENDMENT RELATIVE TO APPROPRIATING FUNDS FOR CIVIC CENTER ROOF REPAIRS

7. Consideration was given to a budget ordinance amendment relative to appropriating funds for Civic Center Roof Repairs.

The City Manager read the ordinance stating that this budget amendment in the amount of \$60,000 is to appropriate funding for Civic Center Roof Repairs. Funding provided by \$45,000 from General Revenue Sharing and \$15,000 from an insurance recovery in Fiscal 1982.

Councilman Myers moved for the adoption of Ordinance No. 1313. This motion was seconded by Councilwoman Frank.

On a roll call vote of 4-0, Ordinance No. 1313 passed on first and final reading.

Complete text of Ordinance No. 1313 will be found in Ordinance Book No. 9 at page 394.

Thursday - September 9, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilmen Joe Pless and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending meeting in Raleigh)
Councilman Larry McDevitt (out-of-town)

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 2, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the minutes of the September 2, 1982 meeting were unanimously approved as submitted.

RESOLUTION NO. 82-175 - RESOLUTION OF APPRECIATION TO ASSISTANT CHIEF LLOYD E. WILLIAMS

2. Consideration was given to a resolution of appreciation to Assistant Chief Lloyd E. Williams.

The City Manager read the resolution stating that Lloyd E. Williams has served the City of Asheville Fire Department since 1948 and has now requested retirement effective August 1, 1982.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-175 was unanimously adopted.'

Complete text of Resolution No. 82-175 will be found in Resolution Book No. 13 at page 328.

PUBLIC HEARING - CLOSING OF AN UNNAMED ALLEY IN THE VICINITY OF BATTERY PARK HOTEL

3. Mr. David Matney, attorney for the petitioners, requested that this public hearing be continued for two weeks.

Councilwoman Frank moved to continue the public hearing until September 23, 1982 without further advertisement. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1305 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE RICEVILLE ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

4. Consideration was given to the third and final reading of Ordinance No. 1305, an ordinance to extend the Corporate Limits of the City of Asheville into the Riceville Road Area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

The City Manager read the resolution stating that the James H. Drew Amusement Company wishes to provide amusement rides in the corporate limits of the City of Asheville from September 13 - 19, 1982. This resolution will authorize the execution of all necessary agreements to accommodate the amusement rides.

Upon motion of Councilman Myers, seconded by Councilman Pless, Resolution No. 82-177 was unanimously adopted.

Complete text of Resolution No. 82-177 will be found in Resolution Book No. 13 at page 330.

SCHEDULING PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE RELATIVE TO SIGN REGULATIONS

11. Consideration was given to a motion scheduling a public hearing relative to amending Article 9, Sign Regulations of the Asheville Zoning Ordinance #322 for September 30, 1982.

Councilwoman Frank moved to schedule a public hearing relative to amending the Zoning Ordinance relative to sign regulations for September 30, 1982. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING PUBLIC HEARING - REZONING PROPERTY 41 OAK PARK ROAD -

12. Consideration was given to a motion scheduling a public hearing relative to rezoning property located at 41 Oak Park Road from R-1 Single Family Residential District to R-2 Low Density Residential District for September 30, 1982.

Councilman Myers moved to schedule a public hearing relative to rezoning property at 41 Oak Park Road for September 30, 1982. This motion was seconded by Councilman Pless and carried unanimously.

RESOLUTION NO. 82-178 - RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF CHARLOTTE STREET FROM 9:00 A.M. TO 5:00 P.M. ON SATURDAY, SEPTEMBER 18, 1982

13. Consideration was given to a resolution authorizing the closing of a portion of Charlotte Street from 9:00 A.M. to 5:00 P.M. on Saturday, September 18, 1982.

The City Manager read the resolution stating that St. Mary's Church is planning to hold their Annual Sidewalk Sale on Saturday, September 18, 1982 and the proceeds will be distributed among several worthy causes and will benefit the citizens of Asheville. They have requested that a portion of Charlotte Street, lying between Macon Avenue and Evelyn Place, be closed during the hours of the sale.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-178 was unanimously adopted.

Complete text of Resolution No. 82-178 will be found in Resolution Book No. 13 at page 331.

105

RESOLUTION NO. 82-176- RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH YOUNG'S SHEET METAL AND ROOFING COMPANY, INC. FOR THE PROJECT KNOWN AS ROOF REPAIRS/REPLACEMENT FOR ASHEVILLE CIVIC CENTER

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Young's Sheet Metal and Roofing, Inc. for the project known as Roof Repairs/Replacement for Asheville Civic Center.

The City Manager read the resolution stating that bids were opened on August 25, 1982 on the Roof Repairs/Replacement for Asheville Civic Center Project. Three bids were received. Young's Sheet Metal and Roofing, Inc. is the low bidder in the amount of \$46,837 (base bid plus the Unit Cost for 20 blisters). Recommendation of acceptance of low bidder.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-176 was unanimously adopted.

Complete text of Resolution No. 82-176 will be found in Resolution Book No. 13 at page 329.

REPORT FROM DIRECTOR OF INSPECTIONS - 230 CUMBERLAND AVENUE

9. The City Manager reported that a written agreement had been prepared for the restoration of the dwelling known as 230 Cumberland Avenue. He said a meeting was held with the owner of the dwelling, Mr. William McCanless, William C. Moore, Corporation Counsel, and the Director of Inspections, J. E. Johnson. He said Mr. McCanless was given a copy of the agreement to sign, however Mr. McCanless requested seven (7) days to review the agreement prior to signing.

The City Manager recommended that Council proceed with scheduling a public hearing to consider the adoption of an ordinance to demolish the dwelling known as 230 Cumberland Avenue for October 14, 1982.

After discussion, Councilwoman Frank moved to schedule a public hearing relative to the adoption of an ordinance to demolish 230 Cumberland Avenue for October 14, 1982. This motion was seconded by Councilman Pless, with the understanding that Council would be just as strict on future property owners to repair or demolish dilapidated dwellings as they have with Mr. McCanless. The motion carried unanimously.

It was noted by Council that if an agreement is reached with Mr. McCanless to restore 230 Cumberland Avenue prior to October 14, 1982 that Council members be notified.

RESOLUTION NO. 82-177 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE JAMES H. DREW AMUSEMENT COMPANY FOR THE PROVISION OF AMUSEMENT RIDES AT THE OLD HAW CREEK BALLFIELD IN CONJUNCTION WITH THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

10. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the James H. Drew Amusement Company for the provision of amusement rides at the Old Haw Creek Ballfield in conjunction with the Asheville-Buncombe County Youth Council.

RALPH BISHOP - INVESTIGATION OF ASHEVILLE FIRE DEPARTMENT AND ASHEVILLE POLICE DEPARTMENT

20. Ralph Bishop requested that Council hold a public hearing to find out who stopped the committee, appointed by Council, from investigating complaints against the Asheville Fire Department and Asheville Police Department.

ADJOURNMENT

21. Upon motion, the meeting adjourned at 4:50 p. m.

Ray M. Santami
MAYOR

CITY CLERK

REQUEST OF COUNCILMAN PLESS - RULING FROM ATTORNEY GENERAL - TINTED GLASS VEHICLES

14. Upon inquiry of Councilman Pless, the Corporation Counsel said he was awaiting a reply from the Attorney General relative to tinted glass vehicles.

Councilman Pless said it was his understanding that the Attorney General has an opinion on this matter and he suggested that the Corporation Counsel obtain the opinion as soon as possible.

COUNCIL MEETING CANCELLED FOR SEPTEMBER 16, 1982

15. Due to the lack of business and attendance scheduled for September 16, 1982, Councilman Myers moved that the September 16, 1982 City Council meeting be cancelled. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-179 - RESOLUTION OF CONSIDERATION OF ENTERING INTO A REVISED MEMORANDUM OF UNDERSTANDING ON TRANSPORTATION PLANNING WITH OTHER LOCAL GOVERNMENTS AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

16. Consideration was given to a resolution of consideration of entering into a revised memorandum of understanding on transportation planning with other local governments and the North Carolina Department of Transportation.

The City Manager read the resolution stating that this memorandum of understanding deals with grant activities of other towns.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-179 was unanimously adopted.

Complete text of Resolution No. 82-179 will be found in Resolution Book No. 13 at page 332.

REQUEST FOR FOUR HOUR PARKING METERS IN FRONT OF COURT HOUSE

17. The City Manager said he had received a request of the Council to make parking meters in front of the Court House to four hours meters. He said he would respond to the request.

PROCLAMATION - PRINCE HALL MASONIC WEEK - SEPTEMBER 12 - 18, 1982

18. Vice-Mayor Price proclaimed the week of September 12 - 18, 1982 as "Prince Hall Masonic Week."

CLAIMS/LAWSUITS REPORT - CARLTON OLIVER (PUBLIC WORKS) - DALE CHRISTOPHER (WATER & SEWER) - JAMES FINLEY (WATER & SEWER) - RONALD PALYOK (POLICE - BARBARA BELL REDMOND (Personal injury, property damage (automobile accident))

19. The City Manager presented claims received from Carlton Oliver, Dale Christopher, James Finley, and Ronald Palyok. He said the city was served with a summons in connection with the lawsuit involving Barbara Bell Redmon.

Vice-Mayor Price referred the claims and lawsuits to the Corporation Counsel for investigation and recommendation.

Mayor Trantham said this public hearing was continued from the September 9, 1982 meeting.

The City Manager advised Council that the attorney for the petitioner was still working on easement problems with the closing of said alley and had requested that the public hearing be continued.

Vice-Mayor Price moved to continue the public hearing, without further advertisement, until such time as the attorney requests that the matter be heard by Council. This motion was seconded by Councilman Myers and carried unanimously.

PUBLIC HEARING CONTINUED - FURTHER ACTION RELATIVE TO ORDINANCE NO. 1183, AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 22 NORMANDY ROAD

4. A public hearing relative to further action on Ordinance No. 1183, an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road continued.

Mayor Trantham said this public hearing was continued from the August 26, 1982 meeting.

Wesley Talman, Attorney for the owners of 22 Normandy Road, said Cameron Brown Company has approved the loan package, necessary for making the repairs to 22 Normandy Road, with the exception of a termite inspection on the property mortgaged for the loan. He said the lot has been cleaned up and the contractors are ready to begin work as soon as the loan is closed.

Upon inquiry of Mayor Trantham, Mr. Talman said he could not estimate the time period needed to complete the repairs to the dwelling.

Upon inquiry of Councilman Myers, Mr. Talman said he is responsible for getting the loan package completed.

Mr. Art Jacobsen, previous attorney for the owners of 22 Normandy Road, said on August 26, 1982 he represented to Council that he had power of attorney for the owners of 22 Normandy Road. He said on August 30, 1982 he received a telephone call from the owners advising him not to file the power of attorney document and that they no longer wished for him to represent them in this matter. He said at their request he forwarded the loan package to Mr. Wesley Talman for completion.

Upon inquiry of Council, Mr. Jacobsen said the contractor had advised him that it would take approximately \$50,000 to repair the dwelling and that the loan amount is for \$32,000. Mr. Talman responded that it was his understanding that arrangements were made with the contractor to complete the repairs for \$32,000 and an exchange of property owned by the owners of 22 Normandy Road.

Mr. Johnson, Director of Inspections, said he inspected 22 Normandy Road at 12:00 Noon today and found that the premises had been fairly cleaned. However, the debris was moved across the street on two other lots owned by Mrs. Fletcher and Mrs. Gage, owner of 22 Normandy Road. He said he advised them to clean the debris from these two lots. He said it has been two months since any construction has been done on 22 Normandy Road.

Thursday, September 23, 1982 - 2:30 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilmen Larry McDevitt and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Deputy City Clerk Carol Hensley.

Absent: Councilman Joe Pless
Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 9, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the September 9, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING CONTINUED - CLOSING OF A PORTION OF MELROSE AVENUE

2. A public hearing relative to the closing of a portion of Melrose Avenue continued.

Mayor Trantham stated that this public hearing was continued from the September 2, 1982 meeting.

Gwynn Radeker, attorney representing the petitioners, said all easement problems had been worked out and Mrs. Barfield, an adjoining property owner, who had raised questions at the public hearing, has now withdrawn her opposition.

Mr. Radeker also presented a petition from the residents in the Melrose Avenue approving the closing of the portion of Melrose Avenue as petitioned.

Mayor Trantham closed the public hearing at 2:42 p. m.

The City Manager read the resolution to close a portion of Melrose Avenue.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, Resolution No. 82-180 was unanimously adopted.

Complete text of Resolution No. 82-180 will be found in Resolution Book No. 13 at page 333-335.

PUBLIC HEARING CONTINUED - CLOSING OF AN UNNAMED ALLEY IN THE VICINITY OF "BATTERY PARK HOTEL"

3. A public hearing relative to the closing of an unnamed alley in the vicinity of "Battery Park Hotel" continued.

Upon inquiry of Councilman McDevitt, Mr. Kisiah, Director of Parks and Recreation, said there had been some confusion over the bidding process for the services of opening and closing graves at Riverside Cemetery. He said his office had first requested price quotes and some how the price quotes were given out. He then requested that the bid process start all over and requested sealed bids on the service agreement. He said a base bid was requested in the bid specifications. He said Mr. Bill Sword with, Asheville Vault Company submitted a base bid of \$110 and broke down prices for age groups. He said Mr. Capps, with American Vault Company submitted a base bid of \$100 and then later he was requested to break down the prices in age groups.

After discussion, Vice-Mayor Price moved for the adoption of Resolution No. 82-181. This motion was seconded by Councilman McDevitt and carried unanimously.

Complete text of Resolution No. 82-181 will be found in Resolution Book No. 13 at page 336.

RESOLUTION NO. 82-182 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION CONTROL AGENCY

7. Consideration was given to a resolution authorizing the Mayor to execute an agreement between the City of Asheville and the Western North Carolina Regional Air Pollution Control Agency.

The City Manager read the resolution stating that this would be a contractual agreement as required by state statute.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-182 was unanimously adopted.

Complete text of Resolution No. 82-182 will be found in Resolution Book No. 13 at page 337.

RESOLUTION NO. _____ RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PERRY M. ALEXANDER CONSTRUCTION FOR THE PROJECT KNOWN AS MEMORIAL STADIUM DEMOLITION OF WEST STANDS

8. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Perry M. Alexander Construction for the project known as Memorial Stadium demolition of West Stands.

The City Manager read the following letter to Mayor Trantham from R. Curtis Ratcliff, Chairman of the Buncombe County Board of Commissioners:

September 23, 1982

Mr. Roy Trantham, Mayor
City of Asheville
City Building
Asheville, N. C. 28807
Dear Roy,

At the Joint City-County Meeting held on August 31, 1982, the Board of County Commissioners approved the following action:

Councilman McDevitt said he felt Council had been very patient with the owners of 22 Normandy Road to repair the dwelling. He said in his opinion Council had given the owners enough time to repair the dwelling.

After discussion, Vice-Mayor Price moved to continue the public hearing, without further advertisement, for two (2) weeks, October 7, 1982, instructing that the attorneys and the owners of 22 Normandy Road prepare an agreement with the City of Asheville outlining the completion date for the repairs to 22 Normandy Road; providing for a performance bond on the project; assurance that the funds are available to repair the dwelling; completed agreement with the contractor to make the repairs; and to have the two lots across from 22 Normandy Road, where the debris was moved, moved and placed in a proper location. She further instructed that the agreement contain any additional items necessary for the completion of the repairs at 22 Normandy Road. This motion was seconded by Councilwoman Frank and carried on a voice vote of 4-1, with Councilman McDevitt voting "no."

ORDINANCE NO. 1296 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 55 CRESCENT STREET

5. Consideration was given to the third reading of Ordinance No. 1296, an ordinance directing the Housing Officer to demolish the dwelling house known as 55 Crescent Street.

Mayor Trantham said this ordinance was previously read on first and second reading and would not be re-read in its entirety unless there was a specific request to do so. He said the third reading was postponed at the August 19, 1982 until today, giving Mr. Jordan, owner of 55 Crescent Street, an opportunity to repair the dwelling.

Mr. Johnson, Director of Inspections, said he inspected 55 Crescent Street today and found that the dwelling has been boarded and secured. He said the debris from around the dwelling has been cleaned up. He said Mr. Jordon, owner of 55 Crescent Street, obtained a permit to repair the house in the amount of \$500 on August 13, 1982; however, no work has been done and no contact has been made by Mr. Jordon since August 19, 1982.

After discussion, Councilwoman Frank moved to proceed with the third reading of Ordinance No. 1296, with instructions to the Director of Inspections to postpone demolition and to make contact with Mr. Jordon to determine his intentions of repairing 55 Crescent Street. She further instructed that the Director of Inspections report back on the status of 55 Crescent Street within two weeks. This motion was seconded by Vice-Mayor Price and carried unanimously.

RESOLUTION NO. 82-181 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SERVICE AGREEMENT FOR OPENING AND CLOSING GRAVES AT THE RIVERSIDE CEMETERY

6. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into a service agreement for opening and closing graves at the Riverside Cemetery.

The City Manager read the resolution.

RESOLUTION NO. 82-183 - RESOLUTION AUTHORIZING AN INCREASE IN BOND PAYING AGENT FEES

9. Consideration was given to a resolution authorizing an increase in bond paying agent fees.

The City Manager read the resolution stating that the City has an August, 1971 agreement with Wachovia Bank and Trust Company, N.A. and Manufacturers Hanover Trust Company which calls for these banks to provide paying agent services for several City bond issues. The City has received notification that the fees for these services have been increased. This resolution will authorize the Director of Finance to sign a letter agreement setting fees for these services at \$.07 per coupon paid and \$1.00 per bond paid.

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, Resolution No. 82-183 was unanimously adopted.

Complete text of Resolution No. 82-183 will be found in Resolution Book No. 13 at page 338.

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SIX ASSOCIATES FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CITY'S PROPOSED VEHICLE MAINTENANCE FACILITY

10. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Six Associates, Inc. for architectural and engineering services for the City's proposed Vehicle Maintenance Facility.

The City Manager read the resolution stating that this resolution will authorize the City Manager to enter into an agreement with Six Associates for architectural and engineering services for a Vehicle Maintenance Facility consisting of a 90' x 240' pre-engineered building with attached office structure of approximately 1400 square feet, and associated site development.

Upon inquiry of Councilman Myers, the City Manager said the Six Associates contract is not to exceed \$24,960, with a total estimated cost of \$600,000 for completion of the Facility.

After discussion, Councilman Myers moved to table the resolution for two weeks giving Council members an opportunity to visit both Motor Transport Facilities to determine the feasibility of a new building. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SIX ASSOCIATES, INC. FOR CONSULTING SERVICES TO THE CITY OF ASHEVILLE

11. Consideration was given to a resolution authorizing the City Manager to enter into a contract with Six Associates, Inc. for consultant services to the City of Asheville.

The City Manager read the resolution stating that this contract with Six Associates, Inc., primarily with Mr. Dennie Martin, is basically an extension of an existing contract for consultant services for the Asheville Revitalization and Economic Development Commission for a one year period in the amount of \$15,000.

"That the Commissioners take no position to oppose the City tearing down those bleachers which are unsafe at Memorial Stadium."

The Board of Commissioners met again yesterday, September 22, 1982, and rescinded the above-mentioned action.

The Commissioners discussed at length various options which might be available to resolve any future problems which might arise, such as:

1. Delaying the demolition of the west stands at Memorial Stadium until a Joint City-County Meeting can be held. (Tentatively scheduled for October 12, 1982).
2. That the County Commissioners and the City Council agree to amend the Water Agreement to delete Memorial Stadium from those listed facilities over which the County would assume jurisdiction on July 1, 1984.
3. Whether or not a suitable solution can be provided (since Memorial Stadium is now the only existing Memorial to veterans who lost their lives in World Wars I and II.
4. During the negotiations in regard to the final solution for Memorial Stadium, further discussion will be necessary in regard to your memorandum dated 9/20/82 (re: funding of proposed major capital improvements for Memorial Stadium, if any, should the need arise.)

Because of recent developments in regard to the Asheville High School Stadium completion, and the questionable status of Memorial Stadium, I am furnishing this information for your consideration during the City Council Meeting this afternoon.

Warm personal regards,

/s/ Curtis

R. Curtis Ratcliff, Chairman
Buncombe County Board of Commissioners

RCR:er

cc: Mr. Michalove
Members, City Council
Members, Board of Commissioners
Mr. Bud Taylor
Mr. Keith Snyder
Mrs. Frances Brockway
File

Mayor Trantham recommended that Council have a special meeting with the County Commissioners to discuss the Memorial Stadium.

Vice-Mayor Price moved to instruct Mayor Trantham to contact Chairman Ratcliff to set up a meeting as soon as possible to discuss the status of Memorial Stadium or to obtain a letter from Chairman Ratcliff, stating the consensus opinion of the County Commissioners relative to the City proceeding with the demolition of the west stands at Memorial Stadium. This motion was seconded by Councilwoman Frank and carried unanimously.

CLAIMS/LAWSUITS REPORT - JIM BASS (WATER AND SEWER) - RAY HIGGINS (PUBLIC WORKS) - BETTY VIANDS (WATER AND SEWER) - GENEVIEVE RANDALL (WATER AND SEWER) - LAWSUITS - N. C. DEPT OF TRANSPORTATION - CONDEMNATION OF JOHN WILSON SULLIVAN PROPERTY, MAXIE SULLIVAN PROPERTY, FRANK STEVENS PROPERTY, LAURA SCOTT PROPERTY, EULA PETTY PROPERTY, EDDIE COLEMAN PROPERTY, RACHEL ERWIN PROPERTY, FRANK STEVENS PROPERTY, BURNIE MILLS PROPERTY

The City Manager presented claims received from Jim Bass, Ray Higgins, Betty Viands, and Genevieve Randall. He also represented the following summonses served upon the City: N. C. Dept. of Transportation vs Condemnation of John Wilson Sullivan property, Maxie Sullivan property, Frank Stevens property, Laura Scott property, Eula Petty property, Eddie Coleman property, Rachel Erwin property, Frank Stevens property, Burnie Mills property, all of which are located in the East End/Valley Street area.

Mayor Trantham referred the claims and lawsuits to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - UNITED STATES ARMY FIELD BAND DAY - SEPTEMBER 24, 1982

Mayor Trantham proclaimed September 24, 1982 as United States Army Field Band Day.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23, 1982

Mayor Trantham proclaimed September 17 - 23, 1982 as Constitution Week.

INVITATION TO MEMBERS OF COUNCIL - PUBLIC HEARINGS ON PL 94 142 RELATIVE TO EDUCATIONAL HANDICAPPED FUNDS

The City Manager presented an invitation to members of Council from Alan Dale Willcox to attend the public hearings on PL 94 142 on September 30, 1982 at the Humanities Lecture Hall at UNCA.

DISCUSSION RELATIVE TO SITE FOR "SCULPTURE" PROVIDED BY QUALITY FORWARD SCULPTURE COMMITTEE

The City Manager presented a request from the Quality Forward Sculpture Committee to place a "sculpture" in front of the Police and Fire Department. He said the sculpture is 17' long, 11' wide and 11' high.

After discussion, it was the consensus of Council to postpone action on this request for one week.

TIME SCHEDULED FOR PRE-COUNCIL MEETING ON SEPTEMBER 30, 1982

Due to the number of items to be discussed at the Pre-Council meeting on September 30, 1982 it was the consensus of Council to begin the Pre-Council meeting on September 30, 1982 at 12:00 Noon.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-184 was unanimously adopted.

Complete text of Resolution No. 82-184 will be found in Resolution Book No. 13 at page 339.

REQUESTS FROM THE SENIOR OPPORTUNITY CENTER - BUDGET CUTS

Ms. Frances Culberson, spokesman for the Senior Opportunity Center, appealed to Council to reinstate Sharon Ruff, Activity Specialist, and Terrace Nesbitt, Van Driver, full time to the Senior Opportunity Center staff. She also presented a petition requesting that these employees be reinstated full time.

Ms. Clemintine Devine invited members of Council to a play at the Reid Memorial Center on September 23, 1982 at 7:00 p. m. The play is entitled "Old Ship of Zion."

After discussion, Mayor Trantham said Council would discuss the Senior Opportunity Center requests at next week's work session.

DISCUSSION RELATIVE TO REPAIRS TO PIANO AT CIVIC CENTER - COUNCILMAN McDEVITT

Councilman McDevitt said he had been contacted by several groups relative to the repairs needed to the piano at the Civic Center. He said it was his understanding that the Asheville Symphony and the Mini-Concerts raised one-half of the funds necessary for the repairs. He said the repairs would cost \$2,300 and he would recommend that one-half of the funds to repair the piano be taken from the Contingency Fund.

After discussion, it was the consensus of Council, to have the City Manager give a report on the repairs to the piano at next week's meeting.

APPROVAL OF WIND BANNERS IN THE LEXINGTON PARK AREA

The City Manager presented a request from the Lexington Park merchants to display twelve (12) wind banners in the Lexington Park Area for a promotional event from September 29, 1982 through October 4, 1982.

Councilwoman Frank moved to approve the request from the Lexington Park merchants to display the wind banners in the Lexington Park Area. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 82-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARKING LOT LEASE OF PROPERTY OWNED BY BRUCE C. JONES AND MARTHA G. JONES

Consideration was given to a resolution authorizing the City Manager to enter into a parking lot lease of property owned by Bruce C. Jones and Martha G. Jones for property on Biltmore Avenue and Eagle Street.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-185 was unanimously adopted.

Complete text of Resolution No. 82-185 will be found in Resolution Book No. 13 at page 340.

207

REQUEST FROM BILL CALLOWAY, POSTAL SERVICE, FOR MEETING WITH CITY COUNCIL RELATIVE TO DOG CONTROL ENFORCEMENT

The City Manager said he had received a request from Mr. Bill Calloway, with the Postal Service, to meet with City Council relative to dog control in the City of Asheville.

After discussion, it was the consensus of Council, that the City Manager and the Corporation Counsel meet with Mr. Calloway prior to next week's meeting.

RESOLUTION NO. 82-186 - RESOLUTION IN MEMORY OF FORMER STATE REPRESENTATIVE CLAUDE DeBRUHL

Consideration was given to a resolution in memory of Former State Representative Claude DeBruhl.

Councilman Gordon Myers read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-186 was unanimously adopted.

Complete text of Resolution No. 82-186 will be found in Resolution Book No. 13 at page 341.

RESOLUTION NO. 82-187 - RESOLUTION IN MEMORY OF CHIEF DEPUTY W. HERBERT DEWEESE

Consideration was given to a resolution in memory of Chief Deputy W. Herbert Deweese.

Councilman Gordon Myers read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-187 was unanimously adopted.

Complete text of Resolution No. 82-187 will be found in Resolution Book No. 13 at page 342.

COMMENTS BY REV. JAMES F. WILLS - RE: FILLING OF VACANCY OF COUNCILMEMBER

Rev. James F. Wills, of 315 College Street, asked members of Council why they were delaying filling the seat vacated by Rev. Wilkes on Council.

Mayor Trantham informed Rev. Wills that Council members were in the process of interviewing several candidates for the vacancy.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the meeting adjourned at 4:50 p.m.


MAYOR


CITY CLERK

The City Manager presented the affidavit of publication, setting the time and date of the public hearing.

Mr. Verl Emrick, Director of Planning, stated that the Asheville Planning and Zoning Commission considered a request from the City's Inspection Division (at a request by Mr. Cheadle), that consideration be given to amending Article 9, Sign Regulations of the Asheville Zoning Ordinance No. 322 as follows:

1. That Section 30-9-1. GENERAL REGULATIONS, Subsection A.
5. Permit Fees be amended to read:

- a. For signs costing \$0.00 through \$100.00, the minimum fee shall be 5% of certified cost, but not less than \$5.00.

- b. Add new paragraphs:

"Double Fee. Work performed without a permit shall be subject to a late fee equal in amount to the fees specified for the work in the table in Subsection 5. Said late fee shall not be construed as a penalty, but as a charge for additional administrative expense."

"When Fees Payable. Inspection fees shall be paid by the tenth of the month following the approval of the work by the Inspections Division. No further permits shall be issued after the tenth of the month unless previous permit fees are paid in full."

Mr. Emrick said that the Inspections Division's administrative costs could be covered with this fee schedule.

Vice-Mayor Price suggested that Mr. Cheadle be notified of this proposed amendment to see if he is satisfied with the changes prior to the second reading of this ordinance.

Mayor Trantham closed the public hearing at 4:25 p.m.

Corporate Counsel Moore read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1314. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1314 passed on its first reading.

PUBLIC HEARING - REZONING PROPERTY AT 41 OAK PARK ROAD

4. A public hearing was held relative to rezoning property at 41 Oak Park Road from R-1 Single Family Residential District to R-2 Low Density Residential District.

Mayor Trantham opened the public hearing at 4:30 p.m.

The City Manager presented the affidavit of publication, setting the time and date of the public hearing.

Thursday, September 30, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Joe Pless and Gordon Myers; Corporate Council William C. Moore; City Manager K. M. Michalove; Deputy City Clerk Carol Hensley.

Absent: Associate City Manager/City Clerk William F. Wolcott, Jr.

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 23, 1982, meeting.

The City Manager stated that due to a typographical error in Resolution No. 82-181, which read "American Vault Company" instead of "Asheville Vault Company," the minutes of the September 23, 1982, meeting would have to be amended.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the September 23, 1982, meeting were approved with the recommended amendment presented by the City Manager. This motion was carried unanimously.

SENIOR OPPORTUNITY CENTER - BUDGET CUTS

2. Councilman Myers moved to keep the position of Activity Specialist at Senior Opportunity Center and instructed the City Manager to find the budget cuts elsewhere in the Parks and Recreation Department other than the Senior Opportunity Center. This motion was seconded by Councilman Pless and carried on a 5-1 vote, with Councilman McDevitt voting "no."

Councilwoman Frank asked the City Manager to work with the Council on Aging for help with transportation and activities.

Vice-Mayor Price suggested that the Activity Specialist work at the other centers, in particular Reid Center, as time permits.

Mr. Fitzgerald, 40 Hollywood Street, thanked the Council for retaining the Activity Specialist at the Senior Opportunity Center.

PUBLIC HEARING - AMENDING ARTICLE 9, SIGN REGULATIONS OF THE ASHEVILLE ZONING ORDINANCE

ORDINANCE NO. 1314 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to amending Article 9, Sign Regulations of the Asheville Zoning Ordinance No. 322.

Mayor Trantham opened the public hearing at 4:18 p.m.

Riceville Road area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was previously read on its first reading and would not be re-read unless there was a specific request to do so.

At the request of Vice-Mayor Price, Mr. Emrick addressed the water line situation for fire protection on Craig Circle in the proposed annexation.

Vice-Mayor Price moved to have the water Department and the Fire Department review this area and to see if additional fire protection could be brought to the Kanuth Road area through an extension of the 6" line and to add an additional fire hydrant. And, if that seems feasible, that that be included in the plans for extended services. This motion was seconded by Councilman McDevitt and carried unanimously.

An unidentified woman addressed the Council stating that they already had adequate fire protection service in the area.

On a roll call vote of 4-2, Ordinance No. 1305 passed on its third and final reading, with Councilmen Pless and Myers voting "no."

Councilman Myers said that "I believe that the annexation issues before us today are primarily an intent by the City to increase income as a means of balancing the budget. I feel that the act of balancing the budget for the City can be accomplished not only by increases in income but also decreases in expenditures. I feel that at this time that more effort should be placed on the streamlining of the cost of government in the City of Asheville and operating on a basis that would be more cost effective. The City is still involved in lengthy and costly litigation concerning the annexation in other areas of the county with no apparent end in site. During this time, we are incurring ever-increasing costs that we cannot afford. I believe that these issues should be settled prior to any new attempts at annexation which would leave the City open to additional litigation. We are also facing the vote in November concerning the consolidation of governments in Asheville and Buncombe County and I feel that this vote will have a major impact on the future of annexation in this county. I think that this issue is coming before the people and prior to any future annexation attempts, we should let the people speak. I vote no."

Complete text of Ordinance No. 1305 will be found in Ordinance Book No. 9 at page 377.

ORDINANCE NO. 1308 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE ASCENSION DRIVE AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

6. Consideration was given to the third and final reading of Ordinance No. 1308, an ordinance to extend the corporate limits of the City of Asheville into the Ascension Drive area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was previously read on its first reading and would not be read unless there was a specific request to do so.

On a roll call vote of 4-2, Ordinance No. 1308 passed on its third and final reading, with Councilmen Pless and Myers voting "no."

Complete text of Ordinance No. 1308 will be found in Ordinance Book No. 9 at page 383.

Mr. Verl Emrick said that the Planning and Zoning Commission considered the petition of Mr. William Moore and Mr. John Abbott that Lot 116, Sheet 17, Ward 2, be rezoned from R-1 Single Family Residential District to R-2 Low Density Residential District. He said that the property is located at 41 Oak Park Road. He said that after the Commission's review, the voted to recommend to City Council that Ward 2, Sheet 17, Lot 116 and Lots 117, 113, 140, 114, 29 and 172 be rezoned from R-1 Single Family Residential District to R-2 Low Density Residential District. He said that all the lots are vacant except for 41 Oak Park Road.

Mr. Emrick read a letter from Mr. Rick Harper, Administrative Assistant in the Water & Sewer Services Department, which stated that if 41 Oak Park Road should be converted into a duplex, the existing facilities would be adequate for this type facility. He said that as far as the records of the Water & Sewer Services Department showed, they have not had any chronic problems in this particular area with low water pressure or sewer back-ups.

Mr. Emrick then read a letter from Powell N. Ball, Fire Chief, which stated that there is adequate fire protection in the area and that there would be sufficient off-street parking adjacent to 41 Oak Park Road if it were to be converted to a duplex.

In response to the question about the petition protesting the rezoning which Councilman Pless brought into the City Manager on 9/29/82, Mr. Emrick stated that any written protest must be received at least 48 hours before the public hearing (9/28/82).

Councilman McDevitt questioned whether this rezoning would be spot zoning.

Mr. Emrick said that it was the Commission's feeling that R-1 and R-2 are all residential zones. He said that R-4 is more intrusive to the area so as an alternative the Commission introduced the R-2 zone as a buffer through there.

Mr. Bill Moore, petitioner, stated that it was his opinion that the rezoning is appropriate and that the whole area was miszoned. He said that the couple now renting the house would like an option to buy it if they could turn it into a duplex.

Councilman Pless asked Mr. Moore if he had any knowledge of a letter that he received stating that a R-2 rating was going to be requested now and at a later date an R-4 rating so that dog kennels could be built. Mr. Moore stated that he did not have any knowledge of this at all.

Mrs. Charles Baumann, 16 Oak Park Road, stated that they currently have low water pressure problems and that there is a condominium planned on Furman Avenue which will seriously affect the already inadequate water and sewer services. She felt that the water pressure in the area was not adequate for fire protection.

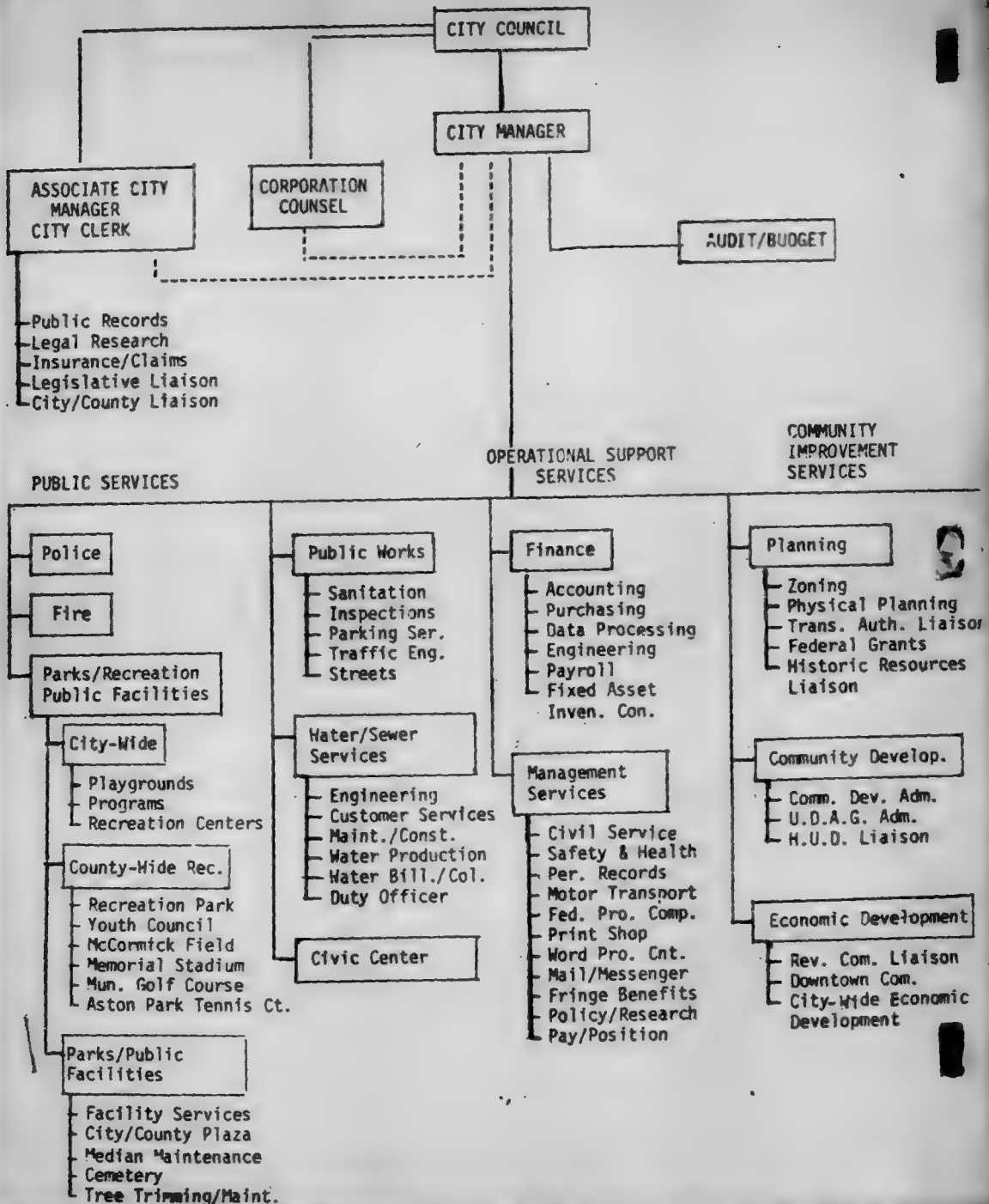
Councilman McDevitt moved to continue this public hearing for one week without further advertisement giving the Corporate Counsel ample time to decide if this was or was not spot zoning. This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE NO. 1305 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE RICEVILLE ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

5. Consideration was given to the third and final reading of Ordinance No. 1305, an ordinance to extend the corporate limits of the City of Asheville into the

CITY OF ASHEVILLE
ORGANIZATIONAL CHART

Effective October 1, 1982



ORDINANCE NO. 1309 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE INTO THE JOHNSTON SCHOOL ROAD AREA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

7. Consideration was given to the third and final reading of Ordinance No. 1309, an ordinance to extend the corporate limits of the City of Asheville into the Johnston School Road area under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina.

Mayor Trantham said that this ordinance was read on its first reading and would not be re-read unless there was a specific request to do so.

Councilwoman Frank said that she appreciated the problems that all the people have that live outside the city, as far as their property being annexed is concerned, but she feels that the City of Asheville has been hurt during the past 40 years or more by the Sullivan Agreement and the past 10 years by the moratorium on annexation and therefore she feels obligated to vote for this annexation.

Councilman McDevitt said that "... partially in response to Councilman Myers comments, I would say the reasons that he ascribes to, at least as far as it relates to me and my vote, are incorrect and I would have to reject them. However, I do agree that issues of this type could probably be better addressed with a consolidated form of government that's before us. . . I vote aye."

Mayor Trantham stated that if the City of Asheville wouldn't have annexed several years ago, it would still be a small town about the size of Marshall, NC.

On a roll call vote of 4-2, Ordinance No. 1309 passed on its third and final reading.

Complete text of Ordinance No. 1309 will be found in Ordinance Book No. 9 at page 386.

REORGANIZATION OF CITY FUNCTIONS

8. The City Manager presented the new organization chart (shown on the following page). He said that as a result of the budget that was adopted on 7-1-82, he needed to make certain changes in the organizational structure of the City so that the City could operate more efficiently on a day-to-day basis. He said the major moves in the reorganization include dissolving the Department of Administration, splitting the Parks and Recreation Department into three divisions and adding duties to and changing the name of the Employee Services Department to Management Services. He said a new function in the City will be a Word Processing Center. He said it will be a major move toward reducing clerical help in the individual departments and start centralizing that function. He then reviewed with the Council all departments and their divisions.

RESOLUTION NO. 82-188 - RESOLUTION ESTABLISHING AND DESIGNATING DEPARTMENTS OF THE CITY AS REQUIRED BY THE CITY CHARTER

Consideration was given to a resolution establishing and designating departments of the City as required by the City Charter.

The City Manager read the resolution naming the departments shown on the organizational chart.

Vice-Mayor Price moved for the adoption of Resolution No. 82-188. This motion was seconded by Councilwoman Frank and carried unanimously.

Councilman McDevitt moved for the adoption of Ordinance No. 1316. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1316 passed on its first and final reading.

Complete text of Ordinance No. 1316 will be found in Ordinance Book No. 9 at page 397.

BIDS - BULK SODIUM CHLORIDE FOR SNOW AND ICE CONTROL

9. Consideration was given to bids received September 17, 1982, for the City's 1983 winter requirements.

The City Manager presented the bids stating that two bids were received. Recommendation of acceptance of the low bid in the amount of \$24,300, International Salt Company. He said that this year's low bid is an increase of 15.7% over last year's contract price with Diamond Crystal. He said the increase has occurred because of Diamond Crystal's loss of a major mine in Louisiana last year and a recent loss by flooding of one of Cargill, Inc.'s Louisiana mines. He said sufficient funding for this purchase of materials is available in the Public Works Department - Street Division appropriations.

Councilman Myers moved to accept the recommendation of awarding the bid to International Salt Company in the amount of \$24,300 as presented by the City Manager. This motion was seconded by Councilwoman Frank and carried unanimously.

BIDS - CORRUGATED STEEL PIPE

10. Consideration was given to bids received September 24, 1982, for corrugated steel pipe.

The City Manager presented the bids stating four bids were received to furnish the Public Works Street Division with corrugated steel pipe. Recommendation of acceptance of the low bid, submitted by Republic Steel Corporation in the amount of \$21,093.75. He said sufficient funds for this purchase is available in the Public Works Department - Street Division materials appropriations.

Councilwoman Frank moved to accept the recommendation of awarding the bid to Republic Steel Corporation in the amount of \$21,093.75 as presented by the City Manager. This motion was seconded by Councilman Myers and carried unanimously.

PUBLIC HEARING SCHEDULED - REVISIONS TO THE URBAN MASS TRANSPORTATION ACT CAPITAL GRANT FOR THE PROCUREMENT OF BUSES TO INCUR MAINTENANCE FACILITY RENOVATIONS AND SHOP EQUIPMENT

11. Councilman Pless moved to schedule a public hearing relative to revisions to the Urban Mass Transportation Act Capital Grant for the procurement of buses to incur Maintenance Facility Renovations and Shop Equipment for November 4, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING SCHEDULED - OPERATING ASSISTANCE GRANT FOR THE ASHEVILLE TRANSIT AUTHORITY THROUGH THE URBAN MASS TRANSPORTATION ACT FOR FISCAL YEAR 1982-83

12. Councilman Pless moved to schedule a public hearing relative to an Operating Assistance Grant for the Asheville Transit Authority through the Urban

Complete text of Resolution No. 82-188 will be found in Resolution Book No. 13 at page 343.

ORDINANCE NO. 1315 - BUDGET ORDINANCE AMENDMENT RELATIVE TO CITY REORGANIZATION

Consideration was given to a budget ordinance amendment relative to appropriating funds for a city reorganization.

The City Manager read the ordinance stating that this budget amendment moves the funds of the individuals affected with the reorganization to correspond with the new departments.

Councilman McDevitt stated that he would like something created in order that he might relate the funds to the departments.

Councilwoman Frank moved for the adoption of Ordinance No. 1315. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1315 passed on its first and final reading.

Complete text of Ordinance No. 1315 will be found in Ordinance Book No. 9 at page 396.

ORDINANCE NO. 1316 - BUDGET ORDINANCE AMENDMENT RELATIVE TO LINE ITEM CUTS TO APPROPRIATE DEPARTMENTS

Consideration was given to a budget ordinance amendment relative to allocating line item cuts to appropriate departments.

The City Manager read the ordinance and the following list of line item reductions:

Council/Manager	\$ 7,435
Administrative Services	5,582
Board of Tax Supervision	12,577
Finance	22,501
Public Works	156,919
Employee Services	12,400
Planning	3,000
Police	32,855
Fire	33,064
General Fund	<u>\$286,333</u>
Civic Center	28,791
Parks & Recreation	80,971
Data Processing	18,080
Engineering	<u>500</u>
	<u>\$414,675</u>

Councilman McDevitt requested a copy of the entire budget ordinance amendment.

DOWNTOWN COMMISSION MEETINGS

The City Manager stated that the Downtown Commission will be meeting on October 14, 1982, at 10:00 a.m. at the YMI Building on Eagle Street. He also said that they would meet to review consultant proposals for the downtown on October 21, 1982, at 9:30 a.m. in the City Council Chambers.

TRANSIT AUTHORITY MEETING

The City Manager stated that the Transit Authority will hold a meeting on October 28, 1982, at 12:00 Noon in the City Council Conference Room.

JOINT CITY/COUNTY MEETING

The City Manager stated that the next joint City/County meeting would be held on October 12, 1982, at 3:00 p.m. in the City Council Chambers.

PRE-COUNCIL FOR OCTOBER 7, 1982 - SCHOOL BOARD SELECTION

The City Manager stated that the Council would be looking at 4 individuals for the school board selection at 1:00 p.m. on October 7, 1982, and also that the regular pre-council meeting would be held at 2:00 p.m. on October 7, 1982.

REMINDER OF PUBLIC HEARING ON PL 94 142 RELATIVE TO EDUCATIONAL HANDICAPPED FUNDS

The City Manager reminded the Council of a public hearing that was going to be held later this evening at 7:00 p.m. at the Humanities Lecture Hall at UNC-A on PL 94 142.

PROPOSED TRANSPORTATION CENTER

The City Manager read the following letter dated September 2, 1982:

"My Company has evaluated the proposal contained in your letter of August 11, 1982.

The outline in your letter does not appear to be acceptable for the development of the proposed Transportation Center. Our concept of this type project is that the Transportation Center would be developed, owned and managed by the city as a public facility.

Trailways will not donate corporate owned land as suggested in your letter. My company would be willing to sell the property at a fair market value.

Trailways supports the concept of Transportation Centers. We are interested in a Transportation Center in Asheville should the project be restructured so that it is a city project as outlined above.

I trust that the city will progress with its planning in transportation, including a Transportation Center.

If I may be of assistance, please contact me.

Paul J. Tennant
Vice President - Real Estate
Trailways"

Mass Transportation Act for Fiscal Year 1982-83 for November 4, 1982. This motion was seconded by Councilman Myers and carried unanimously.

UTILITY COMPANY OBLIGATIONS

Councilman McDevitt asked if the City was working on the agreement with utility companies obligating them to put the streets back in their original condition or higher standards than they were before they were cut. Corporate Counsel Moore stated that the Director of Public Works is working with the utility companies on this.

AGENDA AMOUNTS

Councilman McDevitt suggested putting a cost figure in the margin of the agendas that is associated with every item in the agenda. The City Manager said that he would look into the matter.

VACANT CITY COUNCIL SEAT

After some discussion, Councilman Pless moved to take action on the vacant City Council seat on Thursday, October 14, 1982. This motion was seconded by Councilman Myers and carried unanimously.

PROCLAMATION - BILL HANCOCK DAY

Mayor Trantham proclaimed October 5, 1982, as "Bill Hancock Day."

SCHEDULING PUBLIC HEARING - HARRY LERNER APARTMENTS OFF NEW HAW CREEK ROAD

Councilwoman Frank moved to schedule a public hearing on the site plan of the "Harry Lerner Apartments" to be located off New Haw Creek Road for October 14, 1982. This motion was seconded by Councilman Myers and carried unanimously.

PROCLAMATION - OCTOBER - FIRE PREVENTION MONTH

Mayor Trantham proclaimed the month of October, 1982, as "Fire Prevention Month."

CLAIMS - ALICE FULLER (POLICE DEPARTMENT), WILLARD JARRETT (PUBLIC WORKS DEPARTMENT), DONNA SMITH (WATER & SEWER SERVICES DEPARTMENT)

The City Manager presented claims received from Alice Fuller, Willard Jarrett and Donna Smith.

Mayor Trantham referred the claims to the Corporate Counsel for investigation and recommendation.

PROCLAMATION - EMPLOY THE HANDICAPPED WEEK

Mayor Trantham proclaimed October 3-9, 1982, as "Employ the Handicapped Week."

PROCLAMATION - DAV HANDICAPPED PARKING AWARENESS MONTH

Mayor Trantham proclaimed the month of October, 1982, as "DAV Handicapped Parking Awareness Month."

Thursday, October 7, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Joe Pless and Gordon Myers; Corporate Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the September 30, 1982, meeting.

Councilwoman Frank asked that her statement relative to the Senior Opportunity Center be amended to read as follows: "Councilwoman Frank asked the City Manager to work with the Council on Aging for help with transportation and activities."

Councilman Myers asked that his motion relative to the position of Activity Specialist at the Senior Opportunity Center be amended as follows: "Councilman Myers moved to keep the position of Activity Specialist at the Senior Opportunity Center . . ."

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the September 30, 1982, meeting were approved as amended. This motion was carried unanimously.

RESOLUTION NO. 82-189 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR A NORTH CAROLINA ARTS GRANT FOR THE QUALITY FORWARD SCULPTURE PROJECT

2. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make application for a North Carolina Arts Grant for the Quality Forward Sculpture Project.

The City Manager read the resolution stating that Quality Forward has established a project to develop a sculpture for installation in the vicinity of Park Square, to become the property of the City of Asheville. He said the City of Asheville has consented to be the recipient of private, tax-deductible contributions for the development of this sculpture project. He said that grant funds are available to non-profit tax exempt agencies through the N. C. Arts Council for furthering the arts in Buncombe County. He said application for a Creative Projects Grant in the amount of \$5,000 for the Sculpture Project has been prepared and will be matched by a cash contribution of \$7,200 in private contributions from the Quality Forward Sculpture Project Fund. He said that the Council has visited the proposed sculpture site and has decided to locate the sculpture across from the Police/Fire Departments in the location that has been marked.

Mrs. Jean Webb, Director of Quality Forward, stated that on behalf of the Quality Forward Sculpture Committee, she would like to thank the City of Asheville for its support in this effort of the first public sculpture.

It was the Council's consensus to table this proposal based on Trailways response and the City staff's evaluation.

POSSIBLE CITY COUNCIL MEETING DAYS

Councilman McDevitt suggested a different meeting day of the City Council meetings. He asked that each Council member look at their schedule to determine what day, other than Thursday, would be a good meeting day.

RALPH BISHOP

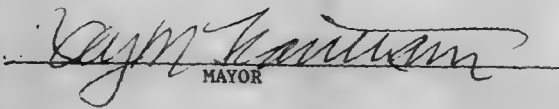
Ralph Bishop spoke about Governor Hunt's trip to Asheville and also about lottery peddlers in the City.

JOHN HAYES

Mr. John Hayes stated that it was urgent that the Council fill the vacant City Council seat. He felt the inter-city needed a representative to address the needs of their community.

ADJOURNMENT

Councilwoman Frank moved to adjourn the meeting at 6:30 p.m. This motion was seconded by Councilman McDevitt and carried unanimously.


MAYOR


CITY CLERK

would get an agreement from one of the contractors stating that they would be willing to tear the house down for the materials. He said that they needed relief from the performance bond to complete the project. He stressed the point that the financing is already approved, but the loan is not closed because he does not have the Certificate of Occupancy. He stated that as soon as the loan is closed, the contractor will immediately start on the house again bringing it up to code.

Councilman Pless moved to continue the public hearing relative to the demolition of 22 Normandy Road for two weeks and if by that time the agreements and necessary documents have not been received by the Council, the house be torn down. This motion was seconded by Vice-Mayor Price and carried on a 5-1 vote, with Councilman McDevitt voting "no."

RESOLUTION NO. 82-195 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD

5. Consideration was given to a resolution appointing a member to the Asheville School Board.

This resolution will appoint Mrs. Elizabeth Simon as a member of the Asheville School Board to fill the unexpired term of Mrs. Linda Winner, term expiring April 1, 1985.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-195 was unanimously adopted.

Complete text of Resolution No. 82-195 will be found in Resolution Book No. 13 at page 352.

Mayor Trantham excused himself and turned the chair over to Vice-Mayor Price. (Time 5:00 p. m.)

CONTINUATION OF PUBLIC HEARING - REZONING PROPERTY AT 41 OAK PARK ROAD

6. A public hearing was continued relative to rezoning property at 41 Oak Park Road from R-1 Single Family Residential District to R-2 Low Density Residential District.

Vice-Mayor Price advised that this public hearing was continued from the September 30, 1982 meeting.

The City Manager read a letter from William C. Moore, Corporate Counsel, stating that rezoning of 41 Oak Park Road from R-1 Single Family Residential District to R-2 Low Density Residential District would, in his opinion, be tantamount to spot zoning.

The City Manager also read a letter from Verl Emrick, Director of Planning, stating that Mr. Moore, petitioner for the rezoning, wishes to withdraw his rezoning petition given the Corporate Counsel's opinion on spot zoning.

It was noted that no action would be necessary on this issue.

Ms. Betty Holden, Coordinator of the Quality Forward Sculpture fund, thanked Council for their vote of confidence and support of this Sculpture Project.

Mr. Ralph Bishop spoke against the Sculpture Project.

The City Manager and Mr. Dirck Cruser answered some concerns Councilmembers had relative to the Sculpture Project.

Councilman McDevitt stated that he would not be able to support this resolution because of the location. He feels it would be better if it were placed on a sidewalk area as was the original concept.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-189 was adopted on a 5-1 vote, with Councilman McDevitt voting "no."

Complete text of Resolution No. 82-189 will be found in Resolution Book No. 13 at page 344.

CONTINUATION OF A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN INCREASE IN RATES BY THOMS BROADCASTING COMPANY, INC. FOR CABLEVISION SERVICE

3. Vice-Mayor Price moved to continue this public hearing without further advertisement until at which time Thoms Broadcasting Company, Inc. wishes it to be put back on the agenda. This motion was seconded by Councilwoman Frank and carried unanimously.

Due to the numerous times this public hearing has been continued, Councilman Pless requested that the next public hearing date set by Thoms, the Council actually have the public hearing.

22 NORMANDY ROAD

4. On September 23, 1982, this hearing was continued instructing attorneys and the owners of the house to work out an agreement allowing for a completion date for repairs, assuring that funds are available for repairs, posting a performance bond, signed agreement with contractor for repairs, move the debris to be cleaned up to a proper location, and any additional items assuring completion of the repairs.

Mr. Wesley Talman reviewed the problems he has been having relative to the loan closing, stating that he needed a Certificate of Occupancy before the loan could be closed and agreements drawn. He said that the only repairs needed at 20 Normandy Road were electrical and Burleson Electric Company has been contracted to make the repairs. As soon as Burleson Electric completes these repairs, a Certificate of Occupancy can be issued, the loan closed and all necessary agreements drawn.

Mr. Talman said that as of today Mr. Fleming, son-in-law of Mrs. Gage and an executive of Sutt Construction Company in Greenville, S.C., has been given the power of attorney and he has given Mr. Talman the authority to do all paperwork involved. Mr. Talman then showed Council a copy of the power of attorney and stated that he was tying the continuation of the power of attorney in Mr. Fleming to the agreement with the City.

Mr. Talman asked for relief of the \$4,000 performance bond which would pay for tearing the house down if they don't get it finished. He said that Stewart Construction Company and Sutt Construction Company said the house is renovated to a point now where the materials in the house would more than pay to tear the house down. He said that he

ORDINANCE NO. 1314 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Sign Regulations)

9. Consideration was given to the second reading of Ordinance No. 1314, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville" as amended relative to sign regulations.

Vice-Mayor Price stated this ordinance was previously read on first reading on September 30, 1982 and would not be re-read in its entirety unless there was a specific request to do so.

Upon inquiry of Vice-Mayor Price, Mr. Emrick said he had been unable to contact Mr. Dave Cheadle to see if he was satisfied with the changes. Mr. Emrick said he would continue to try and contact Mr. Cheadle prior to the third reading.

On a roll call vote of 4-1, Ordinance No. 1314 passed on second reading.

RESOLUTION NO. 82-192 - RESOLUTION AUTHORIZING THE MOTOR TRANSPORT SUPERINTENDENT TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE

10. Consideration was given to a resolution authorizing the Motor Transport Superintendent to dispose of property by private sale at a negotiated prices.

The City Manager read the resolution stating that the Motor Transport Division of the City has approximately 150 used tires for which the City has no use. This resolution will authorize the Superintendent to dispose of the tires by private sale at a negotiated price.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-192 was unanimously adopted.

Complete text of Resolution No. 82-192 will be found in Resolution Book No. 13 at page 349.

RESOLUTION NO. 82-193 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH SOUTHWORTH CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS ALTERATIONS TO VALLEY STREET MAINTENANCE FACILITY

11. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Southworth Construction Company for the project known as Alterations to Valley Street Maintenance Facility.

The City Manager read the resolution stating that bids were received September 29, 1982 for the construction of the Alterations to Valley Street Maintenance Facility. Two bids were received. Southworth Construction Company submitted the low bid in the amount of \$56,980. Six Associates and City Engineering Coordinator recommend acceptance of the low bid.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-193 was unanimously adopted.

Complete text of Resolution No. 82-193 will be found in Resolution Book No. 13 at page 350.

CONTINUATION OF PUBLIC HEARING - CLOSING OF AN UNNAMED ALLEY IN THE VICINITY OF
"BATTERY PARK HOTEL."

RESOLUTION NO. 82-190 - RESOLUTION CLOSING AN UNNAMED ALLEY IN THE VICINITY OF
BATTERY PARK HOTEL

7. A public hearing relative to the closing of an unnamed alley in the vicinity of Battery Park Hotel continued.

Vice-Mayor Price said this public hearing was continued from the September 23, 1982 meeting.

David Matney, attorney representing the petitioner, requested that the alley be closed. He said there are no objections to the closing of the alley

Vice-Mayor Price closed the public hearing at 5:06 p.m.

The Corporation Counsel read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-190 was unanimously adopted.

Complete text of Resolution No. 82-190 will be found in Resolution Book No. 13 at page 345.

PUBLIC HEARING - TEMPORARY CLOSING OF A PORTION OF VANCE GAP ROAD

RESOLUTION NO. 82-191 - RESOLUTION TEMPORARILY CLOSING A PORTION OF VANCE GAP ROAD
AS SHOWN ON TAX SHEET 25 AND 26, WARD 8, BUNCOMBE COUNTY TAX MAPS

8. A public hearing was held relative to the temporary closing of a portion of Vance Gap Road.

Vice-Mayor Price opened the public hearing at 5:08 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

It was noted that a request has been received from Mr. Leonard Burke to temporarily close a portion of Vance Gap Road from his driveway to its dead-end at the North Carolina Department of Transportation right-of-way line for I-240. This will authorize the temporary closing of a portion of Vance Gap Road with certain stipulations.

Vice-Mayor Price closed the public hearing at 5:10 p. m.

The City Manager read the resolution.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 82-191 was unanimously adopted.

Complete text of Resolution No. 82-191 will be found in Resolution Book No. 13 at page 347.

DEMOLITION OF WEST MEMORIAL STADIUM STANDS

The City Manager presented bids received to demolish the west stands at Memorial Stadium. He said Perry Alexander Construction Company is the low bidder in the amount of \$14,150.00.

Councilman Pless moved to accept the bid of Perry Alexander Construction Company in the amount of \$14,150.00 to demolish the west stands at Memorial Stadium. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-194 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SIX ASSOCIATES FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CITY'S PROPOSED VEHICLE MAINTENANCE FACILITY

Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Six Associates Inc. for architectural and engineering services for the City's proposed vehicle maintenance facility.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 82-194 was unanimously adopted.

Complete text of Resolution No. 82-194 will be found in Resolution Book No. 13 at page 351.

BOOKLET PRESENTED TO MEMBERS OF COUNCIL - RELATIVE TO DRUG ABUSE

The City Manager presented a booklet to members of Council put out by the Asheville Police Department and businesses in the community dealing with drug abuse. He said the booklet was prepared at no cost to the City and is being distributed throughout the City.

RALPH BISHOP - LOTTERY SALES

Mr. Ralph Bishop again appeared before Council relative to lottery peddlers in the City of Asheville.

COMPLAINT - RE: THOMS CABLEVISION SERVICE - MR. CHARLES TRIPP

Mr. Charles Tripp appeared before Council relative to poor service delivered by Thoms Cablevision Service.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the meeting adjourned at 5:45 p. m.

Ray M. Latham
MAYOR

William F. Holcott
CITY CLERK

205

REPORT FROM DIRECTOR OF INSPECTIONS RELATIVE TO THE STATUS OF 55 CRESCENT STREET

12. Mr. J. E. Johnson said on September 23, 1982 Council adopted an ordinance directing the Housing Officer to demolish that dwelling house known as 55 Crescent Street. However, Council instructed that the demolition process be postponed for two weeks giving the Director of Inspections an opportunity to contact the owner of 55 Crescent Street to determine his intentions of repairing the dwelling. The Director of Inspections was instructed to give a report on the status of 55 Crescent Street on October 7, 1982.

Mr. Johnson reported that he had received a letter from the owners of 55 Crescent Street stating that they intend to sell the property. He said it was his understanding that Mr. Garner, who lives next door to 55 Crescent Street, is interested in purchasing the house. He said he has not been successful in reaching Mr. Garner to determine his intentions since Mr. Garner is on six months active service duty.

After discussion, Councilman McDevitt moved to extend the stay of the order to demolish 55 Crescent Street for two weeks and instructed the City Manager to contact the prospective purchaser to see if he is interested in purchasing the house. This motion was seconded by Councilwoman Frank and carried unanimously.

PROCLAMATION - OCTOBER 10 - 16, 1982 - NATIONAL SCHOOL LUNCH WEEK

Vice-Mayor Price proclaimed October 10 - 16, 1982 as "National School Lunch Week"

SCHEDULING OF PUBLIC HEARING - SITE PLAN OF RENOVATIONS TO THE GROVE PARK INN AND COUNTRY CLUB

Councilman McDevitt moved to schedule a public hearing relative to the site plan of the proposed expansion and renovation of the Grove Park Inn and Country Club located on Macon Avenue for October 14, 1982. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING OF PUBLIC HEARING - AMENDING SIGN ORDINANCE RELATIVE TO TEMPORARY SIGNS

Councilman Pless moved to schedule a public hearing relative to amendments to the Sign Ordinance dealing with temporary signs for October 28, 1982. This motion was seconded by Councilwoman Frank and carried unanimously.

CLAIMS - ERNESTINE OWENS (PUBLIC WORKS) - EUGENE WEITZEL (WATER & SEWER) - JOHN M. WISE (WATER & SEWER) - WILHELMINA ORR (WATER & SEWER) - KATHERINE AARDEMA (WATER & SEWER) - KENNETH SMATHERS (WATER & SEWER)

The City Manager presented claims received from Ernestine Owens, Eugene Weitzel, John M. Wise, Wilhelmina Orr, Katherine Aardema, and Kenneth Smathers.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

SELECTION OF THE SEVENTH MEMBER OF CITY COUNCIL

3. Mayor Trantham opened the floor for nominations for the seventh member of City Council to replace Rev. H. C. Wilkes who resigned in August, 1982.

Vice-Mayor Price nominated Rev. James F. Wills.

Councilman Pless nominated Mrs. Wilhelmina Bratton.

Councilman McDevitt moved that the nominations be closed and that a roll call vote be taken in alphabetical order. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 5-1, Mrs. Wilhelmina Bratton was selected as the seventh member of Council, with Vice-Mayor Price voting "no."

At this time Vice-Mayor Price requested that her vote be changed to an "aye" vote as a symbol of council unity.

City Clerk William F. Wolcott administered the oath of office to Mrs. Wilhelmina Bratton.

PUBLIC HEARING - DEMOLITION AND REMOVAL OF 230 CUMBERLAND AVENUE

4. A public hearing relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Cumberland Avenue was held.

Mayor Trantham opened the public hearing at 4:35 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager read the ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Cumberland Avenue.

J. E. Johnson, Director of Inspections, said he inspected the premises today and would recommend that Council proceed with the adoption of the ordinance.

A discussion was held between Mr. Johnson and Mr. William McCanless, owner of 230 Cumberland Avenue, relative to what needs to be done to the dwelling to bring it up to code standards.

Mr. McCanless contested comments made by Mr. Johnson, stating that all that was necessary to bring the house up to code standards is electrical work. He said Fairview Electric Company has the contract to do the work.

Upon inquiry of Councilman McDevitt, Mr. Johnson said the only thing that is strictly unsafe about the dwelling is the wiring.

After discussion, Councilman Pless moved to continue the public hearing for two weeks, without further advertisement. He instructed Mr. McCanless to have the premises cleaned up within two weeks and to bring in the written contracts with the contractors to bring the house up to code standard. This motion was seconded by Vice-Mayor Price and carried unanimously.

Thursday - October 14, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank; Councilmen Larry McDevitt, Joe Pless and Gordon Myers; Corporation Counsel William C. Moore; City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

*(Councilwoman Wilhelmina Bratton was sworn in as a Councilman during the meeting)

Absent: None

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 7, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, the minutes of the October 7, 1982 meeting were unanimously approved as submitted.

PRESENTATION BY POSTMASTER WILLIAM HOOVER RELATIVE TO DOG CONTROL PROBLEMS

2. Postmaster William Hoover appeared before Council asking assistance in enforcing the present city ordinance dealing with dog control. He said the mail carriers face a daily threat by uncontrolled dogs in the City. He said the existing problem of uncontrolled animals, on public and private property, is a potential danger to mail carriers, the general public, as well as other service organizations.

Mr. Hoover said the postal service position is that carriers will not deliver mail where their safety is threatened by a dog. He said on private property they will identify potentially dangerous animals, contact animal owners to solicit cooperation and use warning labels on mail receptacles. He said a red tag will indicate a dangerous animal and a yellow tag will indicate an area where the carriers think there is a danger. He said on public property the carriers will solicit cooperation from the local law enforcement officials. He said the customer's alternatives will be, on private property, to relocate their mail receptacle to the street, redirect mail to a different address or receive mail through a post office box or general delivery. He said on public property the neighborhood residents will be asked to contact local authorities and/or dog owners when there is a problem. He said the postal services alternatives will be, if the dogs are not controlled, to temporary or permanently withdraw mail service on private property and to temporarily withdraw mail service on public property until the problems are corrected.

Mr. Hoover asked Council's assistance in arranging a procedure with the Police Department and the animal control officer for a mutual satisfactory communication system in dealing with dangerous dogs on public property.

The City Manager advised that a procedure has been set up for this type of communication system with the postal service.

Vice-Mayor Price moved to excuse Councilman Pless from voting on the site plan of the proposed "Harry Lerner Apartments." This motion was seconded by Councilwoman Frank and carried unanimously.

After discussion, Vice-Mayor Price moved to approve the site plan of the "Harry Lerner Apartments" to be located off New Haw Creek Road contingent upon the conditions of the Planning and Zoning Commission. This motion was seconded by Councilman Myers and carried unanimously.

Vice-Mayor Price moved that the city staff investigate the sewer problems addressed during the public hearing, particularly those addressed by Mrs. Walsh. She also instructed that the entire area be investigated relative to sewer and drainage problems and that a written report be given to members of Council on the investigation. This motion was seconded by Councilman Pless and carried unanimously.

Mayor Trantham was excused from the meeting at 6:25. Vice-Mayor Price presided over the meeting.

PUBLIC HEARING - SITE PLAN OF THE PROPOSED EXPANSION AND RENOVATION OF GROVE PARK INN

6. A public hearing was held relative to the site plan of the proposed expansion and renovation of the Grove Park Inn.

Vice-Mayor Price opened the public hearing at 6:25 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said due to several problems relative to adequate water supply for the development, he would recommend that Council continue the public hearing until November 4, 1982.

Councilwoman Bratton moved to continue the public hearing until November 4, 1982 without further advertisement. This motion was seconded by Councilman McDevitt and carried unanimously.

ORDINANCE NO. 1317- BUDGET ORDINANCE AMENDMENT TO REPROGRAM COMMUNITY DEVELOPMENT COMPLETED PROJECT AND COMMUNITY DEVELOPMENT REVENUES

7. Consideration was given to a budget ordinance amendment to reprogram Community Development completed project and Community Development revenues.

The City Manager read the ordinance stating that this budget amendment in the amount of \$12,176 will reprogram Community Development completed project and Community Development revenues. These funds will be used for the completion of Community Development projects and the remainder into Eighth Year Contingency. He said the amendment was approved by the Housing Authority/Community Development Liaison Committee. He said funds would be used for Consumer Credit Counseling, Administration, and Contingency costs.

Councilman Pless moved for the adoption of Ordinance No. 1317. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 6-0, Ordinance No. 1317 passed on first and final reading.

Complete text of Ordinance No. 1317 will be found in Ordinance Book No. 9 at page 398.

PUBLIC HEARING - SITE PLAN OF "HARRY LERNER APARTMENTS" TO BE LOCATED OFF NEW HAW CREEK ROAD

5. A public hearing was held relative to a site plan of the "Harry Lerner Apartments" to be located off New Haw Creek Road.

Mayor Trantham opened the public hearing at 4:49 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission has recommended to the Council that the site plan of the "Harry Lerner Apartments" to be located off New Haw Creek Road, plan prepared by Ashley Engineering Company, be approved, subject to approval of the driveway permit from the N. C. Department of Transportation and compliance with the Erosion Control Ordinance.

Mr. Emrick said opposition to the apartments have been expressed by the adjoining property owners.

Attorney Paul Smith, adjoining property owner, representing himself and three other adjoining property owners, appeared before Council in opposition to the apartment complex. Mr. Smith cited drainage and sewer problems in the area as reasons for opposition. He said the additional complex would add to these existing problems.

Mr. Hugh Creasman said a comprehensive study on the existing and proposed drainage should be conducted prior to approval of the apartment complex. He said a review of the capacity of the existing sewer lines is also needed.

Mrs. M. C. Walsh, 168 New Haw Creek Road, spoke in opposition to the apartment complex stating that the residents in the area already have problems with sewer lines. She said the city crews have to clear the sewer lines on many occasions. She also said the traffic in the area is heavy and any additional units would add to that problem.

Attorney Dennis Winner, appearing on behalf of Mr. Harry Lerner, spoke in support of the approval of the apartment complex. He said this community needs additional housing and this complex would significantly add to the city's tax base.

Upon inquiry of Councilman Myers, Mr. Emrick said the Department of Water and Sewer Services advised that the water and sewer capacity in the area is adequate for the additional complex.

Mr. Harry Lerner, upon inquiry of Councilman McDevitt, addressed the existing problem of drainage. He said if there is presently a problem with the drainage system in the area his complex would not create additional problems.

Mr. Don Greene of Haw Creek Road spoke in opposition to the complex.

Mayor Trantham closed the public hearing at 6:10 p. m.

Councilman Pless requested to be excused from voting on the site plan due to a conflict of interest, stating that he owns property in the adjacent area.

RESOLUTION NO. 82-197 - RESOLUTION ENDORSING TAX INCREMENT FINANCING TO ENCOURAGE AND ASSIST DOWNTOWN REVITALIZATION AND DEVELOPMENT

11. Consideration was given to a resolution endorsing tax increment financing to encourage and assist downtown revitalization and development.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-197 was unanimously adopted.

Complete text of Resolution No. 82-197 will be found in Resolution Book No. 13 at page ~~353~~ 354

RESOLUTION NO. 82-198 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COUNCIL ON AGING FOR TRANSPORTATION SERVICES FOR THE ELDERLY

12. Consideration was given to a resolution authorizing the Director of Parks and Recreation to enter into an agreement with the Buncombe County Council on Aging for transportation services for the elderly.

The City Manager read the resolution stating that the City of Asheville is currently engaged in providing transportation services to elderly residents to William C. Reid Memorial Recreation Center and to the Senior Opportunity Center for purposes of a hot meal and recreation programs daily. The Buncombe County Council on Aging has provided direct assistance through the Older Americans Act to provide assistance with transportation programs for the elderly within Buncombe County to various meal sites during the past year. The Buncombe County Council on Aging and the City of Asheville Parks and Recreation Department can best serve these transportation and recreation needs with a cooperative program.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-198 was unanimously adopted.

Complete text of Resolution No. 82-198 will be found in Resolution Book No. 13 at page ~~354~~ 355

ORDINANCE NO. _____ - ORDINANCE AMENDING SECTION 28-103 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD A PROVISION PERMITTING THE LOADING AND UNLOADING OF MERCHANDISE IN FRONT OF BUSINESSES HAVING NO BACK ENTRANCE

13. Consideration was given to an ordinance amending Section 28-103 of the Code of Ordinances of the City of Asheville to add a provision permitting the loading and unloading of merchandise in front of businesses having no back entrance.

The City Manager read the ordinance stating that the ordinance was prepared to work out a program to help downtown businesses with loading and unloading problems.

After discussion, Councilman Pless moved to table action on the ordinance for one week instructing the City Attorney to research the ordinance prior to Council's action. This motion was seconded by Councilwoman Frank and carried unanimously.

ORDINANCE NO. 1318 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDS FOR THE MADISON/
BUNCOMBE OPPORTUNITY CORPORATION

8. Consideration was given to a budget ordinance amendment to provide funds for the Madison/Buncombe Opportunity Corporation.

The City Manager read the ordinance stating that this budget amendment in the amount of \$5,000 will provide funding for the Madison/Buncombe Opportunity Corporation.

Councilwoman Frank moved for the adoption of Ordinance No. 1318. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1318 passed on first and final reading.

Complete text of Ordinance No. 1318 will be found in Ordinance Book No. 9 at page 399.

ORDINANCE NO. 1314 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (SIGN REGULATIONS)

9. Consideration was given to the third and final reading of Ordinance No. 1314, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended relative to sign regulations.

Vice-Mayor Price said the ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, said as instructed by Council, he contacted Mr. Dave Cheadle to see if he was satisfied with the wording of the ordinance and Mr. Cheadle indicated that he would be at the Council meeting to discuss the issue.

Due to Mr. Cheadle's absence from the meeting, Councilman Pless moved to table the third reading of Ordinance No. 1314 for one week giving Mr. Cheadle an opportunity to appear before Council. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-196 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH HOBSON CONSTRUCTION COMPANY FOR THE PROJECT KNOWN AS CRAVEN STREET DRAINAGE IMPROVEMENTS

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Hobson Construction Company for the project known as Craven Street Drainage Improvements.

The City Manager read the resolution stating that bids were opened on October 7, 1982. Three (3) bids were submitted. Hobson Construction Company is the apparent low bidder for this contract in the amount of \$17,777.00. Recommendation of acceptance of low bidder.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 82-196 was unanimously adopted.

Complete text of Resolution No. 82-196 will be found in Resolution Book No. 13 at page ~~352~~.

PRESENTATION BY MIKE STEVENSON - ASHEVILLE AREA ADVOCATES FOR A NUCLEAR ARMS FREEZE

18. Mr. Mike Stevenson, of Kenilworth Road, said he was a member of the Asheville Area Advocates for a Nuclear Arms Freeze. He presented a written statement supporting a "freeze" on nuclear weapons development and deployment. He requested Council to attend a rally scheduled at City-County Plaza on Sunday, October 17 from 4:00 - 6:00 p. m. in recognition of Nuclear Freeze Week and to participate by adopting a resolution supporting the freeze on nuclear weapons.

ORDINANCE NO. 1319 - A BUDGET ORDINANCE AMENDMENT TO APPROPRIATE FUNDS FOR STADIUM DEMOLITION

19. Consideration was given to a budget ordinance amendment to appropriate funds for Stadium Demolition.

The City Manager read the ordinance stating that the amendment is in the amount of \$14,150.00

Councilwoman Frank moved for the adoption of Ordinance No. 1319. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1319 passed on first and final reading.

Complete text of Ordinance No. 1319 will be found in Ordinance Book No. 9 at page 400.

ORDINANCE NO. 1320 - A BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDS FOR REPAIRS TO CIVIC CENTER PIANO

20. Consideration was given to a budget ordinance amendment to provide funds for repairs to the Civic Center piano.

The City Manager read the ordinance stating that the amendment is in the amount of \$800.00.

Councilman McDevitt moved for the adoption of Ordinance No. 1320. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1320 passed on first and final reading.

Complete text of Ordinance No. 1320 will be found in Ordinance Book No. 9 at page 401.

CLAIMS - STEVE GANDY (PUBLIC WORKS)- PEARL TREADWAY (PUBLIC WORKS)

21. The City Manager presented claims received from Steve Gandy and Pearl Treadway.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

SCHEDULING PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE - CONSERVATION
OVERLAY FOR HISTORIC PROPERTIES

14. Councilwoman Frank moved to schedule a public hearing relative to a proposed wording amendment to the Asheville Zoning Ordinance which would create a new district to be known as the "Conservation Overlay for Historic Properties" for November 4, 1982. This motion was seconded by Councilman Pless and carried unanimously.

SCHEDULING PUBLIC HEARING - DEMOLITION OF OAKLEY APARTMENTS

RESOLUTION NO. 82-199 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE APARTMENT HOUSE
KNOWN AS THE OAKLEY APARTMENTS

15. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the apartment house known as the Oakley Apartments for November 4, 1982.

The City Manager read the resolution.

Upon motion of Councilman Pless, seconded by Councilwoman Frank, Resolution No. 82-199 was unanimously adopted.

Complete text of Resolution No. 82-199 will be found in Resolution Book No. 13 at page ~~255~~ 356

APPROVAL OF SIGN PERMIT - 4 S. TUNNEL ROAD - VERACRUZ RESTAURANT

16. Consideration was given to the approval of a sign permit for a roof sign to be located at 4 S. Tunnel Road.

Mr. J. E. Johnson, Director of Inspections, said VeraCruz Restaurant has requested the approval of a roof sign permit. He said the sign will be located at 4 S. Tunnel Road. The sign will be situated closer than 600' from a limited access highway which requires approval of Council.

Councilwoman Frank moved to approve the sign permit for VeraCruz Restaurant at 4 S. Tunnel Road. This motion was seconded by Councilman McDevitt and carried unanimously.

APPROVAL OF BANNER SIGN - REQUEST OF ASHEVILLE JAYCEES

17. Consideration was given to a motion relative to a banner to be placed on College Street.

Mr. J. E. Johnson, Director of Inspections, said the Asheville Jaycees have requested permission to place a banner on College Street from October 14 - 16, 1982. He said the sign will be used during a promotional event called "Octoberfest."

Councilman McDevitt moved to approve the banner sign on College Street from October 14 - 16, 1982. This motion was seconded by Councilman Pless and carried unanimously.

Thursday - October 21, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Larry McDewitt, and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 14, 1982 meeting.

Upon motion of Councilman McDewitt, seconded by Vice-Mayor Price, the minutes of the October 14, 1982 meeting were unanimously approved as submitted.

SALE OF DISPOSAL PARCELS 57 A,B,C -100 -142 -171 -208 - EAST RIVERSIDE RENEWAL PROJECT

2. Consideration was given to a motion relative to the sale of disposal parcels in the East Riverside Renewal Project.

Before discussion relative to the sale of the disposal parcels, Councilman McDewitt requested that he be excused from voting on the sale of Parcel 57 A,B,C due to a conflict of interest, stating that his law firm represents one of the proposed developers of the parcel.

Vice-Mayor Price moved that Councilman McDewitt be excused from voting on the sale of disposal parcel 57 A,B,C. This motion was seconded by Councilman Pless and carried unanimously.

Larry Holt, Deputy Executive Director of the Asheville Housing Authority, said parcel 57 A,B,C, is located at the intersection of Asheland, Southside, and McDowell Street. He said the minimum price for the land was \$241,000 and a bid was received in the amount of \$275,000 from Ashland Center, a joint venture by W. R. Martin, Corp./American Service Corp. of South Carolina. He said the redevelopers proposed to construct a medical office building at a cost of \$2,500,000. He said the building will consist of three main buildings with approximately 57,000 square feet. He presented a proposed model of the medical office building.

Vice-Mayor Price moved to approve the sale of disposal parcel 57 A,B,C, as recommended by the Housing Authority, to Ashland Center. This motion was seconded by Councilwoman Frank which carried unanimously, with Councilman McDewitt being excused from voting.

Mr. Holt said the Housing Authority tentatively accepted the following bids for disposals in the East Riverside Renewal Project:

PROCLAMATION - NATIONAL BUSINESS WOMEN'S WEEK - OCTOBER 17 - 23, 1982

Vice-Mayor Price proclaimed the week of October 17-23, 1982 as National Business Women's Week.

DISCUSSION - PROPOSED JOINT RESOLUTION TO AMEND CITY-COUNTY WATER AGREEMENT OF OCTOBER 29, 1981 RELATIVE TO MEMORIAL STADIUM

The City Manager recommended that Council discuss the proposed resolution at next week's work session.

It was suggested by Council that the County Commissioners be informed that due to the lack of time the City Council did not discuss the resolution at today's meeting.

STATEMENT BY COUNCILWOMAN BRATTON

Councilwoman Bratton said she was aware of the honor given her to serve on the Asheville City Council and she looked forward to working with each member of Council in a cooperative way.

ADJOURNMENT

Upon motion the meeting adjourned at 7:05 p. m.

Ray M. Harrison
MAYOR

William F. Halcott Jr.
CITY CLERK

REPORT FROM DIRECTOR OF INSPECTIONS - STATUS OF 55 CRESCENT STREET

5. The City Manager advised that an adjoining property owner of 55 Crescent Street is in the process of negotiating a purchase price with the property owner. He recommended that Council extend the demolition process for thirty (30) days.

Councilwoman Frank moved to postpone the demolition process of 55 Crescent Street for thirty (30) days, at which time the Director of Inspections will give Council a status report. This motion was seconded by Councilman Pless and carried unanimously.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING SECTION 28-103 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD A PROVISION PERMITTING THE LOADING AND UNLOADING OF MERCHANDISE IN FRONT OF BUSINESSES HAVING NO BACK ENTRANCE

6. Upon recommendation of the City Manager, Councilwoman Bratton moved to table the ordinance for further study. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1314 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (SIGN REGULATIONS)

7. Consideration was given to the third and final reading of Ordinance No. 1314, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended (Sign Regulations).

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, said as requested by Council he contacted Mr. David Cheadle on two (2) occasions to see if he was satisfied with the language of the ordinance. He said Mr. Cheadle has not appeared before Council on either occasion.

On a roll call vote of 7-0, Ordinance No. 1314 passed on third and final reading.

Complete text of Ordinance No. 1314 will be found in Ordinance Book No. 13 at page 395.

RESOLUTION NO. 82-200 - RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACT WITH THE ASHEVILLE AREA CHAMBER OF COMMERCE REGARDING ECONOMIC DEVELOPMENT AND TRAVEL AND CONVENTION ACTIVITIES

8. Consideration was given to a resolution authorizing the Mayor and City Clerk to execute contract with the Asheville Area Chamber of Commerce regarding Economic Development and Travel and Convention activities.

The City Manager read the resolution stating that the contents of the contract carry out requirements in the Water Agreement as well as North Carolina General Statute requirements for contracting with agencies.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-200 was unanimously adopted.

Complete text of Resolution No. 82-200 will be found in Resolution Book No. 13 at page ~~46~~ 357

<u>Parcel</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
100	Residential	800	800	John A. Dusenbury
This parcel is located on Vernell Street. The redeveloper proposes to use the additional land for an existing residence.				
142	Residential	2,000	2,300	Vera B. Crenshaw
This parcel is located on Old Asheland Avenue. The redeveloper proposes to construct a single family residence under the Dollar-A-Lot Program at an estimated cost of \$41,000.				
171	Residential	1,700	1,800	Joseph & Charlene Dixon
This parcel is located on Congress Street. The redeveloper proposes to construct a single family residence under the Dollar-A-Lot Program at an estimated cost of \$35,000.				
208	Residential	2,700	3,003	Milton & Betty Pearson

This parcel is located on Hibernia Road. The redeveloper proposes to construct a single family residence under the Dollar-A-Lot Program at an estimated cost of \$33,000.

Mr. Holt noted that those redevelopers whose bid is higher than the minimum price will only receive a subsidy on the minimum price and not the total amount bid.

Councilman Pless moved to approve the sale of Disposal Parcels 100, 142, 171 and 208 as recommended by the Housing Authority. This motion was seconded by Councilman McDevitt and carried unanimously.

RECOGNITION OF DON TRANTHAM - "EMPLOYEE OF THE YEAR AWARD" BY AMERICAN PUBLIC WORKS ASSOCIATION

3. The City Manager recognized Don Trantham, an employee of the Street Division of the City of Asheville for receiving the "Employee of the Year Award" from the American Public Works Association. He said the criteria for receiving the award is stringent and this is a statewide award.

CONTINUATION OF PUBLIC HEARING - DEMOLITION OF DWELLING HOUSE KNOWN AS 22 NORMANDY ROAD

4. A public hearing relative to further action on Ordinance No. 1183, an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road continued.

Councilman Pless moved to continue the public hearing, without further advertisement, for two weeks (November 4, 1982) giving Mr. Talman, Attorney for the owners of 22 Normandy Road, an opportunity to complete documents necessary for the restoration of the dwelling. This motion was seconded by Councilman McDevitt and carried unanimously.

Asheville Housing Authority	Condemnation of John C. Whiteside/ ^{property} (E. End/Valley St.)
" " "	" Martha Wade property " "
" " "	" Margaret Denton " " "
" " "	" Jack LaBerry " " "
" " "	" Elizabeth W. Latta " "
" " "	" Eula Derumpley " " "

These lawsuits have been referred to the Office of the Corporate Counsel or other appropriate legal counsel for action.

PROCLAMATION - SPINA BIFIDA WEEK - OCTOBER 17 - 24, 1982

Mayor Trantham proclaimed the week of October 17 - 24, 1982 as "Spina Bifida Week."

PROCLAMATION - FARM-CITY WEEK - OCTOBER 25-30, 1982

Mayor Trantham proclaimed the week of October 25-30, 1982 as "Farm-City Week."

PROCLAMATION - SUNDAY, OCTOBER 24, 1982 - "UNITED NATIONS DAY"

Mayor Trantham proclaimed Sunday, October 24, 1982 as "United Nations Day."

ORDINANCE NO. 1321 - A BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR CAUBLE SUIT APPEAL BOND AND LEGAL SERVICES

Consideration was given to a budget ordinance amendment to provide funding for Cauble Suit appeal bond and legal services.

The City Manager read the ordinance stating that the budget amendment is in the amount of \$8,800.

Councilman McDevitt moved for the adoption of Ordinance No. 1321. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1321 passed on first and final reading.

Complete text of Ordinance No. 1321 will be found in Ordinance Book No. 9 at page 402.

JOINT CITY/COUNTY RESOLUTION - TO AMEND CITY-COUNTY WATER AGREEMENT OF OCTOBER 29, 1981 TO DELETE MEMORIAL STADIUM

The City Manager read a joint city/county resolution amending the City-County Water Agreement of October 29, 1981. He said this would delete Memorial Stadium from Article XIII, Paragraph 2(a) (Page 18) and Paragraph 6 (Page 22) of the Water Agreement dated October 29, 1981, and that Memorial Stadium shall be, and remain, the property of the City of Asheville to be used for whatever purposes the City deems appropriate.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, the joint city/county resolution was unanimously adopted.

Complete text of the city/county resolution will be found in Resolution Book No. 13 at page 358. a+b

~~SCHEDULING PUBLIC HEARING - SITE PLAN OF "OAK RIDGE VILLAS"~~

9. Consideration was given to a motion scheduling a public hearing relative to the site plan of the "Oak Ridge Villas" to be located on Riverview Drive for November 4, 1982.

Councilwoman Frank moved to schedule a public hearing relative to the site plan of the "Oak Ridge Villas" for November 4, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

RECOGNITION TO INDIVIDUALS SERVING ON BOARDS AND COMMISSIONS

Upon inquiry of Councilwoman Frank, the City Clerk advised that it is normal procedure for the Mayor to send "thank you letters" to all members of boards and commissions who have resigned or are no longer serving on the board for various reasons.

DISCUSSION - RE: HALLOWEEN- OCTOBER 31, 1982

Mayor Trantham, along with other Council members, encouraged parents to accompany their children while "trick or treating" and to only go to places they know.

THOMS BROADCASTING COMPANY - WITHDRAWAL OF APPLICATION FOR RATE INCREASE

The City Manager read a letter received from Thoms Broadcasting Companies, Inc. withdrawing their recent application for a rate increase for cablevision services.

RESOLUTION NO. 82-201 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRENTWOOD HILLS NURSING CENTER FOR FIRE PROTECTION

Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Brentwood Hills Nursing Center for fire protection.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-201 was unanimously adopted.

Complete text of Resolution No. 82-201 will be found in Resolution Book
No. 13 at page ~~30~~ **358**

CLAIMS - SUMMONSES -- CONDEMNATION OF PROPERTY OF JOHNNIE BAXTER, GEORGE W. EVANS, SADIE CHISOLM, JOHN C. WHITESIDE, MARTHA WADE, MARGARET DENTON, JACK LaBERRY, ELIZABETH W. LATTI, EULA DERUMPLEY (EAST END/VALLEY STREET)

Thursday - October 28, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (due to illness in family)
Councilman Gordon Myers

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 21, 1982 meeting.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, the minutes of the October 21, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE - RELATIVE TO TEMPORARY SIGNS

ORDINANCE NO. 1322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held relative to amending the Zoning Ordinance being Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended relative to temporary signs.

Vice-Mayor Price opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held October 6, 1982, considered a proposed wording amendment to Asheville Zoning Ordinance No. 322 regarding temporary signs. After discussion, the Commission voted unanimously to recommend to City Council that Section 30-9-2. Use Regulations H. Temporary Signs. be amended by deleting subparagraph #2 and adding a new subparagraph #2 to read as follows:

- "2. Such sign shall not remain in place for more than thirty (30) consecutive calendar days during any ninety (90) day period. Following the expiration of said ninety (90) day period beginning with the date specified on the appropriate sign permit, subsequent temporary sign permits may be applied for and issued. The maximum number of temporary signs for shopping centers having leasable space of 150,000 square feet or more are regulated in Section 30-9-3 contained herein. Temporary signs shall be limited to two (2) within a given permit period. (Note: Permits for different businesses may be issued a different time during a given ninety (90) day period.)"

Mr. Emrick said this amendment may eliminate existing problems with business advertising. He said at the present there are problems with interpretation of the regulations.

APPROVAL OF BUTLER ASSOCIATES ENGINEERS AS CONSULTANTS FOR THE 24" TRANSMISSION LINE FROM BEE TREE TO NORTH FORK

The City Manager said several weeks ago the Asheville-Buncombe Water Authority met and moved to approve a contract with Butler Associates Engineers for consultants for a 24" transmission line from Bee Tree to North Fork Reservoir. He said pursuant to the Water Agreement the Chairman of the Water Authority has requested that the City Council approve the action of the Water Authority.

After a brief discussion, Vice-Mayor Price moved to accept Butler Associates Engineers as consultants for the 24" transmission line from Bee Tree to North Fork not to exceed a contract price of \$50,000. This motion was seconded by Councilman McDevitt and carried unanimously.

MIKE STEVENSON - ASHEVILLE AREA ADVOCATES FOR A NUCLEAR ARMS FREEZE

Mr. Mike Stevenson of 30 Kenilworth Road said he appeared before Council at last week's meeting requesting that Council adopt a resolution supporting a freeze on nuclear weapons. He requested that Council adopt such a resolution.

After discussion, Vice-Mayor Price suggested that the issue be placed on the City Council work session agenda for October 28, 1982 for further discussion.

REPORT RELATIVE TO SEWER AND DRAINAGE PROBLEMS IN HAW CREEK REQUESTED BY PAUL SMITH

Upon inquiry of Paul Smith, the City Manager advised that a report relative to sewer and drainage problems in the Haw Creek area is being prepared by the Water and Sewer Services. He said the report is being prepared pursuant to a motion made by Council on October 14, 1982 during the public hearing relative to the site plan of the "Harry Lerner Apartments" to be located in Haw Creek.

PRESENTATION BY DON CATHEY - SUGGESTIONS FOR REDEVELOPMENTS IN THE DOWNTOWN AREA

Mr. Don Cathey presented members of Council with a written statement and a drawing giving suggestions for a redevelopment plan for the Asheville Downtown Area.

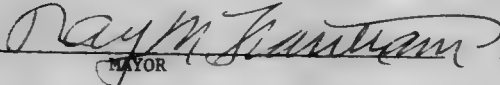
Vice-Mayor Price advised Mr. Cathey that at the present time several consultants are being considered to develop a plan for the downtown area and his suggestions would be considered.

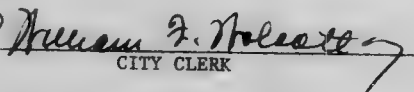
RALPH BISHOP - LOTTERY SALES IN ASHEVILLE

Mr. Ralph Bishop again appeared before Council relative to the lottery sales in Asheville.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:10 p. m.


MAYOR


CITY CLERK

ORDINANCE NO. 1323 - BUDGET ORDINANCE AMENDMENT RELATIVE TO REPROGRAMMING
COMMUNITY DEVELOPMENT FUNDS TO ALLOW CLOSE-OUT OF PARKS PROJECTS

4. Consideration was given to a budget ordinance amendment relative to reprogramming Community Development Funds to allow close-out of Parks Projects.

The City Manager read the ordinance.

Councilwoman Stratton moved for the adoption of Ordinance No. 1323. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1323 passed on first and final reading.

Complete text of Ordinance No. 1323 will be found in Ordinance Book No. 9 at page ~~400~~ 405

RESOLUTION NO. 82-202 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE
CITY OF ASHEVILLE A CONTRACT WITH APPLE TUCK AND ASSOCIATES, INC. FOR THE PROJECT KNOWN
AS BAKER DRIVE BRIDGE REPLACEMENT

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Apple Tuck and Associates, Inc. for the project known as Baker Drive Bridge Replacement.

The City Manager read the resolution stating that on Monday, October 18, 1982 bids were opened on the Baker Drive Bridge Replacement. Apple Tuck and Associates, Inc., Rutherfordton, North Carolina is the apparent low bidder for the contract in the amount of \$35,794.04. Recommendation of acceptance of the low bidder.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-202 was unanimously adopted.

Complete text of Resolution No. 82-202 will be found in Resolution Book No. 13 at page ~~358~~ 359

RESOLUTION NO. 82-203 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION
TO SEEK GRANT FUNDING FROM THE NORTH CAROLINA YOUTH ADVISORY COUNCIL FOR THE CONVENTION II
PROJECT OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

6. Consideration was given to a resolution authorizing the Director of Parks and Recreation to seek grant funding from the North Carolina Youth Advisory Council for the Convention II Project of the Asheville-Buncombe County Youth Council.

The City Manager read the resolution stating that the Convention II is a Constitutional Convention of high school students from throughout the Nation which convenes annually in the Halls of the United States Congress to consider Amendments to the Constitution which the delegates propose in response to the challenges confronting America. Funds for Mini-Grants are available from the North Carolina Youth Advisory Council through the local Youth Council's affiliation with the State Youth Council. The requested grant monies of \$610.00 require no local matching funds. This resolution will authorize the Director of Parks and Recreation to apply for the grant monies.

Upon inquiry of Councilman Pless, Mr. Emrick said one (1) sign would be permitted on one (1) lot at a given time period. He said two (2) signs would be allowed on a lot for shopping centers with leasable space of over 150,000 square feet.

Councilman Pless said the amendment as proposed would create problems with an individual having one (1) lot but having several businesses on the same lot. He said all businesses may want a temporary sign.

After discussion, Mr. Emrick suggested that Council pass the ordinance on first reading and he would prepare an amendment prior to second reading to address Councilman Pless' concerns.

Ralph Bishop spoke in opposition to the proposed amendment stating that Council should not restrict businesses from advertising their products.

Vice-Mayor Price closed the public hearing at 4:38 p. m.

Mr. Emrick read the proposed ordinance.

Councilman McDevitt moved for the adoption of Ordinance No. 1322. This motion was seconded by Councilwoman Frank.

On a roll call vote of 5-0, Ordinance No. 1322 passed on first reading.

CONTINUATION OF PUBLIC HEARING - DEMOLITION AND REMOVAL OF 230 CUMBERLAND AVENUE

3. A public hearing relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Cumberland Avenue continued.

J. E. Johnson, Director of Inspections, said he inspected 230 Cumberland Avenue on October 27, 1982 and found the yards to be clean and some work being done on the dwelling.

Mr. William McCanless, owner of 230 Cumberland Avenue, contended that he is still working on the house to bring it up to code standards.

Upon inquiry of Councilman McDevitt, Mr. Johnson said the house could be unsafe to human life due to the faulty wiring in the house.

After discussion, Councilman McDevitt moved to continue the public hearing for sixty (60) days, without further advertisement; provided the owner of 230 Cumberland Avenue consents to the Inspections Division having the electrical service pulled from the dwelling and the owner putting in a temporary construction line; and provided further that the owner of 230 Cumberland Avenue completes all necessary electrical work within sixty (60) days. Said electrical service line to be pulled from the dwelling on October 29, 1982 in the standard routine manner conducted by the Inspections Division. This motion was seconded by Councilman Pless and carried unanimously.

Mr. McCanless agreed to all provisions of the motion made by Councilman McDevitt.

8. The approximate cost to the City for labor and concrete replacement is \$700.

Once the sleeves are installed, it will provide a means for other holiday and special occasion banners to be used in the Village.

Mr. Robert Griffin requested Council's participation in the project proposed by the Biltmore Merchants Association.

Councilman Pless moved that the City "approve the concept" of using freestanding banners for Christmas decorations in Biltmore Village and to participate with the Biltmore Merchants Association as outlined by the City Manager. This motion was seconded by Councilwoman Bratton and carried unanimously.

REPORTS RELATIVE TO WATER AND SEWER PROBLEMS IN HAW CREEK AREA

The City Manager advised members of Council that he received reports from the Water and Sewer Department and the Public Works Department relative to problems addressed during the public hearing on the "Harry Lerner Project" in the Haw Creek area. He said he would summarize the reports and give Council a memorandum relative to the problems.

RESOLUTION NO. 82-205- RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE INSURANCE ADVISORY COMMITTEE (Mr. Richard E. Burdette)

Consideration was given to a resolution appointing Mr. Richard E. Burdette as a member of the Asheville-Buncombe Insurance Advisory Committee.

The City Manager read the resolution.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 82-205 was unanimously adopted.

Complete text of Resolution No. 82-205 will be found in Resolution Book No. 13 at page ~~361~~ **362**.

RESOLUTION NO. 82-206 - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST ASHEVILLE BUSINESS ASSOCIATION FOR THE INSTALLATION OF BUS STOP PADS AT THE JUNCTION OF PATTON AVENUE AND LOUISIANA AVENUE AND PATTON AVENUE AND FLORIDA AVENUE

Consideration was given to a resolution authorizing the execution of an agreement with the West Asheville Business Association for the installation of bus stop pads at the junction of Patton Avenue and Louisiana Avenue and Patton Avenue and Florida Avenue.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 82-206 was unanimously adopted.

Complete text of Resolution No. 82-206 will be found in Resolution Book No. 13 at page ~~362~~ **363**.

245

Upon motion of Councilwoman Bratton, seconded by Councilwoman Frank, Resolution No. 82-203 was unanimously adopted.

Complete text of Resolution No. 82-203 will be found in Resolution Book No. 13 at page ~~229~~ 360

RESOLUTION NO. 82-204 - RESOLUTION RELATIVE TO A NUCLEAR WEAPONS REDUCTION

7. Consideration was given to a resolution relative to a nuclear weapons reduction.

Councilwoman Frank read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-204 was unanimously adopted.

Complete text of Resolution No. 82-204 will be found in Resolution Book No. 13 at page ~~229~~ 361

REQUEST OF BILTMORE MERCHANTS ASSOCIATION - PARTICIPATION BY THE CITY FOR THE USE OF FREESTANDING BANNERS FOR DECORATIONS IN BILTMORE VILLAGE

8. The City Manager said the Biltmore Merchants Association has requested that Council "approve the concept" of using freestanding banners for Christmas decorations in Biltmore Village during the Christmas Season. It is the feeling of the merchants that this type of Christmas decoration lends itself to the Biltmore Village Historic District than the typical street light decorations. The Public Works staff have conferred with Mr. Robert Griffin of the Biltmore Merchants Association and have agreed to the following terms:

1. Design (sleeve in concrete at 18" depth) has been approved.
2. The Merchants Association will provide all materials - banners, standards, inserts in concrete sleeve covers.
3. The City will furnish the labor and the concrete portions of the sidewalk to be replaced.
4. The Merchants Association will pay for the replacement of bricks in locations where there are brick sidewalks (primarily in front of Wachovia Bank).
5. A protective cover will be slipped over the sleeve when it is not in use in order to reduce the possibility of pedestrian accidents.
6. The locations of the banners will be determined by Mr. Griffin and the Public Works Department.
7. Every effort will be made to meet the time frame requested by the merchants - however, the work schedules of the Public Works Department and weather will have to be considered in the installation process.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-207 was unanimously adopted.

Complete text of Resolution No. 82-207 will be found in Resolution Book No. 13 at page ~~363~~ 364

RESOLUTION NO. 82-208 - RESOLUTION APPOINTING MEMBERS TO THE CITY PERSONNEL ADVISORY COMMISSION - Mr. Lyle West - Mr. Gary A. Dodd - Dr. Robert D. Williams

Consideration was given to a resolution appointing Mr. Lyle West, Mr. Gary A. Dodd and Dr. Robert D. Williams as members of the City Personnel Advisory Commission.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 82-208 was unanimously adopted.

Complete text of Resolution No. 82-208 will be found in Resolution Book No. 13 at page ~~364~~ 365

EXECUTIVE SESSION - LEGAL MATTER

Councilman McDevitt moved that Council go into executive session to discuss a legal matter relative to the Glen Falls Road Bridge in the Lakeview Park Area. This motion was seconded by Councilman Pless and carried unanimously.

DISCUSSION RELATIVE TO BID INVITATIONS FOR REFUSE COLLECTION SERVICE FOR THE CITY OF ASHEVILLE

Council members discussed bid specifications for refuse collection service for the City of Asheville.

Councilman McDevitt moved to instruct the Director of Public Works to make Council's suggested changes on the refuse collection service bid specifications for both the city-wide and pilot program, and to have the bid specifications ready for advertising by November 15, 1982. This motion was seconded by Councilwoman Bratton and carried unanimously.

ADJOURNMENT

Upon motion of Councilman McDevitt, seconded by Councilman Pless, the meeting adjourned.

Reynold L. Bratton
MAYOR

William F. Hallett
CITY CLERK

PROCLAMATION - FAMILY WEEK - NOVEMBER 21 - 27, 1982

Vice-Mayor Price proclaimed the week of November 21 - 27, 1982 as "Family Week."

PROCLAMATION - NATIONAL RESPIRATORY THERAPY WEEK - NOVEMBER 7-13, 1982

Vice-Mayor Price proclaimed the week of November 7 - 13, 1982 as "National Respiratory Therapy Week."

PROCLAMATION - ELIDA HOME WEEK - FIRST WEEK IN NOVEMBER, 1982

Vice-Mayor Price proclaimed the first week in November, 1982 as "Elida Home Week."

PROCLAMATION - OCTOBER 30, 1982 - GIRL SCOUT CRIME PREVENTION DAY FOR PISGAH GIRL SCOUT COUNCIL

Vice-Mayor Price proclaimed October 30, 1982 as "Girl Scout Crime Prevention Day for Pisgah Girl Scout Council."

PROCLAMATION - SECOND WEEK IN NOVEMBER - YOUTH APPRECIATION WEEK

Vice-Mayor Price proclaimed the second week in November as Youth Appreciation Week.

CLAIMS - EMILY SLOOP (PUBLIC WORKS) - RAY A. HIPPS (PUBLIC WORKS) - G. W. GROOMS (PUBLIC WORKS) - WALLACE CHANDLER (WATER AND SEWER)

The City Manager presented claims received from Emily Sloop, Ray A. Hipps, G. W. Grooms and Wallace Chandler.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - OBTAINING CITY RECORDS

Mr. Ralph Bishop spoke to Council about obtaining city records.

COUNCIL RECONVENED IN THE COUNCIL CONFERENCE ROOM

At this time Council took a brief recess and reconvened the meeting in the Council Conference Room.

RESOLUTION NO. 82-207 - RESOLUTION AMENDING RESOLUTION NO. 82-54, ADOPTED APRIL 1, 1982 KNOWN AS A "RESOLUTION ESTABLISHING THE CITY PERSONNEL ADVISORY COMMISSION"

Consideration was given to a resolution amending Resolution No. 82-54, adopted April 1, 1982, known as "Resolution establishing the City Personnel Advisory Commission" increasing the membership on the commission from five (5) to seven(7) members.

The City Manager read the resolution.

Mr. Emrick said the project would consist of eight (8) condominiums. He said the only access to the project will be off of Riverview Drive. He read a memorandum dated October 20, 1982 from the Water and Sewer Department stating that the sewer system in the area is more than adequate. He also read a memorandum from the Water and Sewer Department stating that no sewer problems have been reported since the new sewer line was installed.

Kenneth Pankow, Engineer for the Project, spoke in support of the proposed project. He said the Erosion Control system could easily be taken care of and the sewer lines in the area are in good condition.

The following individuals spoke in opposition to the proposed project. The concerns of the individuals were inadequate sanitary sewer and storm sewer system, inadequate streets to handle increased traffic and a poor location for the project:

Clinton Shelton, 69 Riverview Drive
George L. Bishop, 167 Euclid Blvd.
Fred R. Sprinkle, corner of Avon and Euclid Blvd.
Mary Lee Brown, 53 Riverview Drive
George Sprinkle
Ernest Sullivan, 38 Euclid Blvd.
Wayne Michael, Riverview Drive
Juanita Sprinkle, corner of Avon and Euclid Blvd.
Sally Bailey, Euclid Blvd.
Frank Lawson, 165 Riverview Drive
Robert Sams
Selma Cunningham
Frances Johnson, 101 Riverview Drive

Upon inquiry of Councilwoman Frank, Mr. Rector of the Water and Sewer Department, said a chemical could be put into the water to see if sewerage is leaking into the water.

Mr. Charles Rector of the Water and Sewer Department answered general questions from members of Council relative to the sewer problems cited by the residents. He said the Water and Sewer Department would check into the problems cited by the residents.

After discussion, Vice-Mayor Price moved to continue the public hearing for two weeks (November 18, 1982), without further advertisement, to allow the Water and Sewer Department to fully investigate the problems. This motion was seconded by Councilman Pless and carried unanimously.

Councilman Myers said he felt the concerns of the residents were not primarily in opposition to the proposed development but with the inadequacy of the sewer system. He said the sewer problems should have been addressed before now and not during a public hearing on a site plan. He requested a report on the sewer system in the Riverview Road area.

Thursday - November 4, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Larry McDevitt and Gordon Myers, Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Frank introduced Rhonda Harrison who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the October 28, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, the minutes of the October 28, 1982 meeting were unanimously approved as submitted.

PUBLIC HEARING - SITE PLAN OF PROPOSED EXPANSION AND RENOVATION OF GROVE PARK INN

2. A public hearing relative to the site plan of the proposed expansion and renovation of the Grove Park Inn continued.

Mayor Trantham said this public hearing was continued from the October 14, 1982 meeting.

Verl Emrick, Director of Planning, said the owners of Grove Park Inn have requested that Council continue the public hearing until November 18, 1982 until engineering details can be worked out.

Vice-Mayor Price moved to continue the public hearing relative to Grove Park Inn, without further advertisement, until November 18, 1982. This motion was seconded by Councilman Pless and carried unanimously.

PUBLIC HEARING - SITE PLAN OF THE "OAK RIDGE VILLAS" TO BE LOCATED ON RIVERVIEW DRIVE

3. A public hearing was held relative to the site plan of the "Oak Ridge Villas" to be located on Riverview Drive.

Mayor Trantham opened the public hearing at 4:30 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held October 13, 1982 reviewed the site plan of the proposed Oak Ridge Villas to be located on Riverview Road. After discussion, the Commission voted to recommend approval subject to: 1) Compliance with the City of Asheville's Erosion Control Ordinance; 2) Assurance of adequacy of sewer line from the project.

Mrs. Augusta Young, 360 Kenilworth Road, representing the Kenilworth Residents Association, said she was pleased with Mr. Emrick's approach in preparing the ordinance by receiving input from the community. She said she felt it was important that adjoining property owners have input into what is proposed for their neighborhood and for that reason she would favor leaving Sections E(3) and G(4) left in the ordinance in some way.

Vice-Mayor Price agreed with Mrs. Young's concept but said leaving the sections in might pose a legal problem because it would give the citizens veto power.

After discussion, Vice-Mayor Price moved to continue the public hearing until Mr. Moore and Mr. Emrick could work on the language of the ordinance and a meeting is held with the Steering Committee to recommend new language for Sections E(3) and G(4). This motion was seconded by Councilwoman Frank and carried unanimously.

DISCUSSION RELATIVE TO JOHN HAYES, EMPLOYEE OF THE PARKS AND RECREATION DEPARTMENT

5. Mr. Carl Johnson, representing the Hillcrest Community, appealed to Council to rescind the decision of the City Manager to place John Hayes, Recreation Center Director at Hillcrest Apartments, on suspension, with pay, until December 13, 1982.

The following individuals spoke in support of John Hayes and the program in which he directs at Hillcrest:

Mr. Carl Johnson
Mr. A. C. Mitchell, 123 Mountain Street
Ms. Bertha Williams, 6F Hillcrest
Marie Edgerton, Hillcrest Apartments
Eric Ray, 194 Flint Street

Upon inquiry of Councilman McDevitt, the City Manager said since this does involve a Personnel matter, Council should use caution in releasing information on the employee without receiving authorization from the employee to release the information.

Councilman McDevitt said since the matter deals with personnel and the Council has no jurisdiction in personnel matters the matter should be dealt with through the personnel system.

Councilman Pless commented that the concerns of the people are important to Council and if there is a problem with John Hayes, the problem should be worked out by the City Manager and have Mr. Hayes work with these children at Hillcrest. He said in his opinion Mr. Hayes has helped relieve crime in the City by working with these children. He said the City Manager should work out the problems to the satisfaction of the citizens. He requested that the City Manager meet with these individuals tomorrow or no later than Monday, November 8, 1982 to work out the problems.

Councilman Myers said in his opinion the children in Hillcrest have confidence in John Hayes and he is the program at Hillcrest.

Councilwoman Bratton spoke in support of the Hillcrest Program.

051

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT - CREATION OF NEW DISTRICT TO BE KNOWN AS "CONSERVATION OVERLAY FOR HISTORIC PROPERTIES"

4. A public hearing was held relative to a proposed wording amendment to the Asheville Zoning Ordinance which would create a new district to be known as the "Conservation Overlay for Historic Properties."

Mayor Trantham opened the public hearing at 5:47 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the proposed amendment is an attempt to encourage the most appropriate use of historic buildings in a manner consistent with public health and safety. He said the ordinance was prepared by a Steering Committee consisting of eleven (11) representatives of citizens groups throughout the community. He said the groups included the Kenilworth Residents Association, Historic Resources Commission, Asheville Revitalization Commission, Department of Archives and History, Grove Park Residents Association, Montford Historic Association, and the Downtown Commission.

Mr. Emrick said the Planning and Zoning Commission at a meeting held October 6, 1982 considered a proposed wording amendment to the Asheville Zoning Ordinance to create the Conservation Overlay for Historic Properties. After discussion, the Commission voted to recommend the proposed amendment to City Council with the deletion of paragraphs E. (3) (page 2) and G. (4) (page 4).

He said Conservation Overlays for Historic Properties shall only be permitted as a Conditional Use. He said the requirements for the Conditional Use permit is outlined in the proposed ordinance. He said the sections requested to be omitted by the Planning and Zoning Commission read as follows:

"E(3) Conditional Use - Residential Zone. In the event a commercial use is requested by a petitioner within a residential zone, then said request shall be accompanied by a letter of assent dated within 90 days of review from seventy-five percent (75%) of residential or institutional property owners located within 150 yards, excluding intervening streets, of the exterior property lines of the property in question."

"G(4) City Council shall also have the authority to hold a public hearing upon receipt of a petition of seventy-five percent (75%) of the property owners located within 150 yards, excluding intervening streets, of the exterior property lines in question for the purpose of hearing arguments relative to revocation of the conditional use permit."

Mr. Emrick read the proposed ordinance answering questions from members of Council. He said the "20% rule or 3/4 affirmative vote" of Council would apply with Sections E(3) and G(4) left in the ordinance.

Mr. William C. Moore, Corporation Counsel, said in his opinion, Sections E(3) and G(4) as written would be illegal.

Corporation Counsel Moore read the proposed ordinance to demolish 413 Fairview Road.

Attorney Wesley Talman said a foreclosure has been instituted by Clifford and Frances Dillingham on a Deed of Trust and therefore, the ordinance will be illegal without stating all parties of interest.

Mr. Johnson advised the Corporation Counsel that Clifford and Frances Dillingham was named in all proceedings with the Housing Division including the Complaint and Notice of Hearing and Findings of Fact and Order on file in the Division of Inspections and Demolitions.

Corporation Counsel Moore suggested that Council amend the ordinance to include the names of Clifford and Frances Dillingham and the Northwestern Bank.

The City Manager supported the recommendation of Mr. Johnson.

Mayor Trantham closed the public hearing at 7:13 p. m.

Vice-Mayor Price moved for the adoption of Ordinance No. 1324 amending the ordinance to include the names of Clifford and Frances Dillingham and the Northwestern Bank. This motion was seconded by Councilman McDevitt.

On a roll call vote of 7-0, Ordinance No. 1324 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1324. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1324 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1324. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1324 passed on third and final reading.

Complete text of Ordinance No. 1324 will be found in Ordinance Book No. 9 at page 405-406.

PUBLIC HEARING - REVISIONS TO THE URBAN MASS TRANSPORTATION ACT CAPITAL GRANT

RESOLUTION NO. 82-209 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A CAPITAL GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

7. A public hearing was held relative to revisions to the Urban Mass Transportation Act Capital Grant for the procurement of buses to incur Maintenance Facility Renovations and Shop Equipment.

Mayor Trantham opened the public hearing at 7:15 p. m.

Mr. Johnson requested that several members of Council attend the meeting to be held by the City Manager in order that they may know what is going on.

Upon inquiry of Mayor Trantham, Mr. Moore, Corporation Counsel said for Council members to attend the meeting would be "irregular" and perhaps against the City Charter.

Upon inquiry of Councilman Pless, Mr. Moore said members of Council could attend the meeting if Mr. John Hayes did not have any objections.

Upon inquiry of Councilman Pless, Mr. Hayes, who was in attendance at the Council meeting, said he would have no objections to members of Council attending the meeting with the City Manager.

Vice-Mayor Price suggested that the City Attorney attend the meeting to be held by the City Manager.

At this time, Councilman McDevitt said any further discussion in the regular Council meeting could be illegal and the discussion should be held in Executive Session.

Councilman Pless moved that Council go into executive session to discuss the personnel matter. This motion was seconded by Councilwoman Bratton.

Vice-Mayor Price moved to amend Councilman Pless' motion to go into executive session after the regular agenda to discuss the personnel matter. This motion was seconded by Councilman McDevitt and carried on a voice vote of 6-1, with Councilman Pless voting "no."

PUBLIC HEARING - DEMOLITION AND REMOVAL OF OAKLEY APARTMENTS AT 413 FAIRVIEW ROAD

ORDINANCE NO. 1324 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE APARTMENT HOUSE KNOWN AS THE OAKLEY APARTMENTS

6. A public hearing was held relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of the Oakley Apartments at 413 Fairview Road.

Mayor Trantham opened the public hearing at 7:00 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

J. E. Johnson, Director of Inspections, said the Oakley Apartments at 413 Fairview Road have been found to be unfit for human habitation, unsafe, and dangerous to life. He said on November 1, 1982 approximately ninety (90) percent of the structure was completely destroyed by fire and the remaining portions exists in a weakened and highly stressed condition, and is in danger of falling. He recommended that Council adopt the ordinance to demolish and pass the ordinance on three (3) readings at today's meeting due to the existing hazards.

CONTINUATION OF PUBLIC HEARING - DEMOLITION OF DWELLING HOUSE KNOWN AS 22 NORMANDY ROAD

9. A public hearing relative to further action on Ordinance No. 1183, an ordinance directing the Housing Officer to demolish the dwelling house known as 22 Normandy Road continued.

Mayor Trantham said the public hearing was continued from the October 21, 1982 meeting.

Corporation Counsel Moore said, Attorney Wesley Talman, representing the owners of 22 Normandy Road, has given the City all the necessary documents for the rehabilitation of 22 Normandy Road including the agreement between the City and the owners, power of attorney documents, liability release, escrow agreement, and a contract with a contractor to repair the dwelling.

Councilwoman Frank moved to continue the stay of Ordinance No. 1183 until February 1, 1983 and that the Director of Inspections give Council a status report after February 1, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

ORDINANCE NO. 1322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Temporary Signs)

10. Consideration was given to the second reading of Ordinance No. 1322, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville" as amended relative to temporary signs.

Mayor Trantham said this ordinance was previously read on first reading and would not be reread unless there was a specific request to do so.

Verl Emrick, Director of Planning, requested that the second reading of Ordinance No. 1322 be tabled until November 11, 1982.

Vice-Mayor Price moved to table the second reading of Ordinance No. 1322 until November 11, 1982. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 82-211 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS BILTMORE AVENUE/EAGLE STREET PARKING LOT IMPROVEMENTS

11. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc. for the project known as Biltmore Avenue/Eagle Street Parking Lot Improvements.

The City Manager read the resolution stating that on October 27, 1982 bids were opened on the Biltmore Avenue/Eagle Street Parking Lot Improvements. Paving Enterprises, Inc. is the apparent low bidder for the contract in the amount of \$12,736.00. Recommendation of acceptance of low bidder.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Bratton, Resolution No. 82-211 was unanimously adopted.

Complete text of Resolution No. 82-211 will be found in Resolution Book No. 13 at page 369.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Owenby, of the Planning Department, said this capital grant included ten (10) buses, spare engine, spare transmission and bus stop signs. He said the buses were purchased well below the allocation and therefore there are funds remaining in the grant. He said the city's remaining share is \$7,700. He said these funds will be reallocated in the Transit Authority's budget.

After discussion, Mayor Trantham closed the public hearing at 7:20 p. m.

Verl Emrick, Director of Planning, read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-209 was unanimously adopted.

Complete text of Resolution No. 82-209 will be found in Resolution Book No. 13 at page ~~365-366~~ **366-367**

PUBLIC HEARING - OPERATING ASSISTANCE GRANT - ASHEVILLE TRANSIT AUTHORITY -
URBAN MASS TRANSPORTATION ACT FOR FISCAL YEAR 1982-83

RESOLUTION NO. 82-210 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH
THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE
URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

8. A public hearing was held relative to an Operating Assistance Grant for the Asheville Transit Authority through the Urban Mass Transportation Act for Fiscal Year 1982-83.

Mayor Trantham opened the public hearing at 7:24 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Carl Owenby, of the Planning Department, said this is an annual operating assistance grant for the Asheville Transit Authority. He said the grant is a 50/50 share of federal and local funds. He said the total grant is \$929,356 with the City's share being \$464,678.

Mayor Trantham closed the public hearing at 7:25 p. m.

Carl Owenby read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 82-210 was unanimously adopted.

Complete text of Resolution No. 82-210 will be found in Resolution Book No. 13 at page ~~367-368~~

368-369

COUNCIL TO MEET IN EXECUTIVE SESSION

At this time Council took a brief recess and reconvened in the City Council Conference Room, in executive session, to discuss a personnel matter.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilman McDevitt, the meeting adjourned.

Wayne S. ...
MAYOR

William F. McDevitt
CITY CLERK

RESOLUTION NO. 82-212 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NOTICE OF INTENT WITH THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION, STATE DIVISION OF PURCHASE AND CONTRACT, FOR PARTICIPATION IN THE NORTH CAROLINA STATE CONTRACT FOR TIRES AND TUBES

12. Consideration was given to a resolution authorizing the Mayor to execute a notice of intent with the North Carolina Department of Administration, State Division of Purchase and Contract, for participation in the North Carolina State Contract for Tires and Tubes.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Bratton, Resolution No. 82-212 was unanimously adopted.

Complete text of Resolution No. 82-212 will be found in Resolution Book No. 13 at page 371

APPOINTMENT OF ACTING CHAIRMAN TO THE CITY PERSONNEL ADVISORY COMMISSION

Councilman Myers moved that Gary Dodd be designated as Acting Chairman of the City Personnel Advisory Commission and that the Commission resume their activities as soon as possible. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING SCHEDULED - SITE PLAN OF THE PROPOSED "TIMBERS" CONDOMINIUMS TO BE LOCATED ON BEAVERDAM ROAD

At the request of Verl Emrick, Planning Director, Vice-Mayor Price moved to schedule a public hearing relative to the site plan of the proposed "Timbers" Condominiums to be located on Beaverdam Road for November 11, 1982. This motion was seconded by Councilman Myers and carried unanimously.

CLAIMS - LEVON SMITH (WATER AND SEWER) - WM. J. MEYER (WATER AND SEWER) - BARNEY WOODSON (WATER AND SEWER)

LAWSUITS REPORT - CURTIS R. SCOTT (Trespass/Sewer Line)

The City Manager presented claims received from Levon Smith, Wm. J. Meyer, and Barney Woodson.

The city was served with a summon in connection with a lawsuit filed by Curtis R. Scott, nature of suit being trespass/sewer line.

Mayor Trantham referred the claims and lawsuit report to the Corporation Counsel for investigation and recommendation.

REPORT ON CONTRACT WITH DEPARTMENT OF ENERGY FOR INSPECTION OF THERMOSTATS

The City Manager, upon inquiry of Ralph Bishop during the October 28, 1982 meeting, presented documents whereby the City entered into a contract with the N. C. Department of Energy for inspection of thermostats during 1981. He said the City inspected 25 buildings and received \$20 per inspections. He said the check was received from the state and deposited in the general fund.

Verl Emrick, Planning Director, said the Developers have requested that the public hearing be continued until several design problems are worked out.

Councilman Myers moved to continue the public hearing, without further advertisement, until such time as the developers of the project wish to bring it back before Council. This motion was seconded by Councilwoman Bratton and carried unanimously.

ORDINANCE NO. 1322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Temporary Signs)

4. Consideration was given to the second reading of Ordinance No. 1322, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended relative to temporary signs.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, said as requested by Council during the first reading of the ordinance, the following amendment to the ordinance is suggested:

- "2. Such signs shall not remain in place for more than thirty (30) consecutive calendar days during any ninety (90) day period. Following the expiration of said ninety (90) day period beginning with the date specified on the appropriate sign permit, subsequent temporary sign permits may be applied for and issued.
 - a) The maximum number of temporary signs for a lot of record having more than one business or use located on said lot shall be limited to one sign per business, but shall not exceed three signs per lot within a given permit period.
 - b) The maximum number of temporary signs for shopping centers having leasable space of 150,000 square feet shall be limited to two (2) within a given permit period.
(Note: Permits for different businesses shall be issued in the name of the specific business wishing to conduct the advertising).
 - c) Permits for different businesses may be issued at different times during a given ninety (90) day period."

Mr. Emrick said this amendment basically would allow three (3) signs per lot instead of one (1) when a lot contains more than one business.

Vice-Mayor Price moved to amend Ordinance No. 1322 as suggested by Mr. Emrick. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1322, as amended, passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1322, as amended. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1322, as amended passed on third and final reading.

Complete text of Ordinance No. 1322 will be found in Ordinance Book No. 9 at page 403-404.

Thursday - November 11, 1982 - 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Larry McDevitt and Gordon Myers, Acting Corporation Counsel Victor Buchanan, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 4, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, the minutes of the November 4, 1982 meeting were unanimously approved as submitted.

PROCLAMATION - NOVEMBER 11, 1982 - VETERANS DAY

Mayor Trantham proclaimed November 11, 1982 as "Veterans Day."

RESOLUTION NO. 82-213 - RESOLUTION OF APPRECIATION TO FIRE DISPATCHER WALTER RUBY, JR.

2. Consideration was given to a resolution of appreciation to Fire Dispatcher Walter Ruby, Jr.

The City Manager read the resolution stating that Walter Ruby, Jr. has been an employee of the City of Asheville Fire Department since 1953. Mr. Ruby's retirement became effective November 1, 1982.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-213 was unanimously adopted.

Complete text of Resolution No. 82-213 will be found in Resolution Book No. 13 at page 371.

PUBLIC HEARING - SITE PLAN OF THE PROPOSED "TIMBERS" CONDOMINIUMS - BEAVERDAM ROAD

3. A public hearing was held relative to a site plan of the proposed "Timbers" Condominiums to be located on Beaverdam Road.

Mayor Trantham opened the public hearing at 4:22 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

The City Manager read the resolution explaining that the City proposes to enter into an agreement with the North Carolina Department of Transportation for bridge repairs. The City shall participate to the extent of 20 percent, with the Department of Transportation reimbursing the City 80 percent of the total allowable project costs.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 82-215 was unanimously adopted.

Complete text of Resolution No. 82-215 will be found in Resolution Book No. 13 at page ~~III~~ 374

RESOLUTION NO. 82-216 - RESOLUTION PROPOSING TO MAKE CERTAIN IMPROVEMENTS UNDER THE FEDERAL-AID HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM CONSISTING OF THE REPLACEMENT OR REHABILITATION OF THE STEEL AND REINFORCED CONCRETE STRUCTURE ON ARCO ROAD OVER THE HAW CREEK UNDER PROJECT 8.2840301 (B-828)

8. Consideration was given to a resolution proposing to make certain improvements under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program consisting of the replacement or rehabilitation of the steel and reinforced concrete structure on Arco Road over the Haw Creek under Project 8.2840301 (B-828).

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 82-216 was unanimously adopted.

Complete text of Resolution No. 82-216 will be found in Resolution Book No. 13 at page ~~III~~ 375

RESOLUTION NO. 82-217 - RESOLUTION PROPOSING TO MAKE CERTAIN IMPROVEMENTS UNDER THE FEDERAL-AID HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM CONSISTING OF THE REPLACEMENT OR REHABILITATION OF THE STEEL, TREATED TIMBER, AND REINFORCED CONCRETE STRUCTURE ON CHESTNUT STREET OVER A BRANCH OF REED CREEK UNDER PROJECT 8.2840501 (B-830).

9. Consideration was given to a resolution proposing to make certain improvements under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program consisting of the replacement or rehabilitation of the steel, treated timber, and reinforced concrete structure on Chestnut Street over a branch of Reed Creek under Project 8.2840501 (B-830).

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 82-217 was unanimously adopted.

Complete text of Resolution No. 82-217 will be found in Resolution Book No. 13 at page ~~III~~ 376

RESOLUTION NO. 82-214 - RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR REFUSE COLLECTION SERVICE

5. Consideration was given to a resolution authorizing the advertisement for bids for refuse collection service.

The City Manager read the resolution stating that the City Council of the City of Asheville is considering contracting for refuse collection service. Bid documents and specifications have been developed for contracting refuse collection service city wide as well as a pilot area of the City. This resolution will authorize the Director of Purchasing to advertise for sealed bids for the refuse collection service for the City on a city wide basis as well as for refuse collection service in Sanitation Area Number 2 as a pilot area.

It was noted that this resolution will only be seeking bids and does not necessarily mean that the City will be authorizing the bids, but only a method of seeing what such a service would cost the city.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-214 was unanimously adopted.

Complete text of Resolution No. 82-214 will be found in Resolution Book No. 13 at page ~~322~~ **373**

ORDINANCE NO. 1325 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDS FOR REPLACEMENT OF SNACK SHOP ICE MAKER

6. Consideration was given to a budget ordinance amendment to provide funds for replacement of snack shop ice maker.

The City Manager read the ordinance stating that this budget amendment in the amount of \$1,600 is to provide funds for replacement of Snack Shop ice maker.

Councilman Pless moved for the adoption of Ordinance No. 1325. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1325 passed on first and final reading.

Complete text of Ordinance No. 1325 will be found in Ordinance Book No. 9 at page ~~407~~ **408**

RESOLUTION NO. 82-215 - RESOLUTION PROPOSING TO MAKE CERTAIN IMPROVEMENTS UNDER THE FEDERAL-AID HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM CONSISTING OF THE REPLACEMENT OR REHABILITATION OF THE REINFORCED CONCRETE STRUCTURE ON GASHES CREEK ROAD OVER THE SWANNANOA RIVER UNDER PROJECT 8.2840201 (B-827)

7. Consideration was given to a resolution proposing to make certain improvements under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program consisting of the replacement or rehabilitation of the reinforced concrete structure on Gashes Creek Road over the Swannanoa River under Project 8.2840201 (B-827).

Councilman Pless said in his opinion the Glen Falls Road Bridge should be opened.

After a brief discussion, Councilman Myers moved that Council go into executive session, after the regular agenda, to discuss the Glen Falls Road bridge matter. This motion was seconded by Councilwoman Bratton and carried unanimously.

RESOLUTION NO. 82-218 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PAVING ENTERPRISES, INC. FOR THE PROJECT KNOWN AS GRANBY STREET IMPROVEMENT PROJECT

11. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Paving Enterprises, Inc. for the project known as Granby Street Improvement Project.

The City Manager read the resolution stating that bids were opened on November 8, 1982 for the Granby Street Improvement Project. Paving Enterprises, Inc. of Arden, North Carolina is the apparent low bidder for this contract in the amount of \$10,189.38. Recommendation of acceptance of low bidder.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 82-218 was unanimously adopted.

Complete text of Resolution No. 82-218 will be found in Resolution Book No. 13 at page ~~376~~ 377

APPROVAL OF BANNER FOR "A CHILDREN'S CHRISTMAS CARD TO ASHEVILLE"

12. The City Manager presented a request for Council to approve the hanging of "A Children's Christmas Card to Asheville" on the Haywood Street and Battery Park Avenue exposures of the Ivey Building in downtown Asheville from December 1-28, 1982.

Councilman McDevitt moved to approve the banner to be placed on the Ivey Building from December 1-28, 1982. This motion was seconded by Vice-Mayor Price and carried unanimously.

CLAIMS - JOHN WARD, JR. (PARKS AND RECREATION) - DONALD MYLIN (WATER AND SEWER) - HATTIE MILLER (WATER AND SEWER) - JOHN SEWARD (POLICE) - BRIAN FARR (WATER AND SEWER) - JAMES WOODY (WATER AND SEWER) - THOMAS PATELIDAS (WATER AND SEWER)

LAWSUITS - DAVID C. HENSLEY ET AL - DEPRIVATION OF CIVIL RIGHTS

The City Manager presented claims received from John Ward, Jr., Donald Mylin, Hattie Miller, John Seward, Brian Farr, James Woody, and Thomas Patelidas. He said the city was served with a summons in connection with a lawsuit filed by David C. Hensley et al, nature of suit being deprivation of civil rights.

Mayor Trantham referred the claims and lawsuit to the Corporation Counsel for investigation and recommendation.

DISCUSSION RELATIVE TO THE RECENT CLOSING OF GLEN FALLS ROAD BRIDGE

A discussion was held relative to the recent closing of Glen Falls Road Bridge by the Lakeview Park Commission.

Upon inquiry of Councilman McDevitt, the City Manager said the City is attempting to get the state to review the Glen Falls Road Bridge to determine if funding is available to repair the bridge under the Bridge Program. He said a decision by the state should be received after December. He said the Lakeview Park Commission received a report stating that the bridge is in danger and due to a contention of ownership between the City and the Lakeview Park Commission, the Commission closed the bridge.

Several residents in the Glen Falls Road Bridge area voiced the following concerns relative to the closing of the bridge:

1. If the bridge is closed for any length of time some improvements should be made in the method of closing the bridge. The barricades presently being used are dangerous and larger signs are needed to notify traffic that the bridge is closed.
2. Pedestrians should be allowed to use the bridge.
3. City should conduct a comprehensive review of easements "vested" to the City of Asheville for the road.
4. Closing of bridge prohibits an easy access for residents into Merrimon Avenue. The use of Lakeshore Drive as an access is dangerous and the road is narrow.
5. Private bridges should not be located on a public thoroughfare.
6. It was felt the bridge is not in a deteriorated condition.
7. Lakeview Park Commission does not have funds to repair the bridge, therefore the City must repair it.
8. If ownership of the bridge was a question, how did the Lakeview Park Commission have the authority to close it.

At the request of Mayor Trantham, the residents present at the meeting presented to the City Clerk their names and addresses in order that they could be notified when City Council considers the bridge issue at another meeting.

Upon inquiry of Councilman Pless, Mr. Clark Brown, Director of Public Works, said Glen Falls Road is included on the State Powell Bill Report. Mr. Pless said if the city is reporting this road on the Powell Bill report then the City would be legally responsible for the road maintenance, being that the City can not report private roads on the report.

Councilman McDevitt said the City is investigating the problem, the bridge, its condition and the circumstances to see if the City can help solve the problem of Glen Falls Road Bridge.

Upon inquiry of Mayor Trantham, Victor Buchanan, Acting Corporation Counsel said the City is presently looking into the legality of the City opening the bridge even though the Lakeview Park Commission closed the bridge.

Vice-Mayor Price noted that the last report from the state indicated that the bridge was safe up to four tons.

Councilman McDevitt requested that the Corporation Counsel submit a legal report to Council relative to the Glen Falls Road Bridge matter as soon as possible but no later than November 17, 1982.

RESOLUTION NO. 82-221 - RESOLUTION APPOINTING MEMBER TO THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (Mrs. Celeste L. Loftin)

Consideration was given to a resolution reappointing Mrs. Celeste L. Loftin a member of the City of Asheville Board of Alcoholic Control.

Upon motion of Councilman Pless, seconded by Vice-Mayor Price, Resolution No. 82-221 was unanimously adopted.

Complete text of Resolution No. 82-221 will be found in Resolution Book No. 13 at page ~~37~~ 380

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilman Pless, the meeting adjourned.

Ray M. Hawthorn
MAYOR

William T. McLeott
CITY CLERK

200

RESOLUTION NO. 82-219 - RESOLUTION REQUESTING AN AMENDMENT TO G. S. 105-380 (TAXES)

Consideration was given to a resolution requesting an amendment to G. S. 105-380 requiring that any collection of taxes after January 6, 1983 be subject to interest and penalty.

The City Manager read the resolution stating that the amendment would state that there shall be no interest or penalty charged to any taxpayer until 90 days after the mailing of the tax bill.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-219 was unanimously adopted.

Complete text of Resolution No. 82-219 will be found in Resolution Book No. 13 at page 377.

JOE CRAWFORD - DISCUSSION RELATIVE TO CLOSING OF CLAXTON AND WILLIAM RANDOLPH SCHOOLS

Mr. Joe Crawford, of 123 Charlotte Street asked Council members to do what ever they could to help keep Claxton and William Randolph Schools open. He said he had heard that the Asheville City Board of Education is considering closing the schools.

Councilwoman Bratton informed Mr. Crawford that the Council did not have jurisdiction over the Board's decision, however Council could express their opinion relative to the closing of the schools.

RALPH BISHOP - COMMENTS RELATIVE TO POLICE DEPARTMENT

Ralph Bishop commented to Council relative to "cleaning up" the Police Department, particularly referring to lottery sales in Asheville.

COUNCIL - EXECUTIVE SESSION

Council took a brief recess and went into Executive Session in the City Council Conference Room to discuss the recent closing of Glen Falls Road Bridge.

RESOLUTION NO. 82-220 - RESOLUTION APPOINTING MEMBER TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Sonya Friedrich)

Consideration was given to a resolution appointing Ms. Sonya Friedrich as a member of the Planning and Zoning Commission.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-220 was adopted on a voice vote of 5-2, with Councilman Pless and Councilman Myers voting "no."

Complete text of Resolution No. 82-220 will be found in Resolution Book No. 13 at page 379

139 gallons per minute, or 190,000 gallons per day. The new sewer will adequately carry a flow of 1,111 gallons per minutes, or 1,599,840 gallons per day. Estimated maximum discharge from the Oak Ridge Villa Project is 3.5 gallons per minute, or 50,400 gallons per day. This total, added to existing flow would give a total daily flow of 240,000 gallons. We feel that this maximum daily flow is well within the capacity of this eight inch sewer main.

- 2) Sewer Grade (Fall) - Ranges from 1% to 10% - with an average of 5%. Total fall of this new main is 74 feet over a total footage of 1,577 feet. We feel that this is more than adequate.
- 3) There are no apparent leaks from the new sewer, determined by sampling and testing of any surface water found along the course of the new sewer. Samples contained no chlorine residual, and less than .01 PPM fluoride. City water is maintained at a fluoride level of 1 PPM. Raw or natural ground water contains .01 PPM or less. It is our conclusion that any standing water in this area is surface, or runoff water.
- 4) By the use of laser beam and mirrors, we have determined that there are no obstructions between manholes, and the line runs straight and true between manholes.
- 5) From field survey, using survey instruments, we have determined that there is adequate fall between manholes.
- 6) From dye test, we have determined that all services are tied in to the new main.

Mr. Rector said that based on the above findings, the Water and Sewer Services Department would recommend that the sewer service in this area is adequate to provide services to the proposed project.

When questioned by Mayor Trantham about the probable cause of the problems in the area, Mr. Rector stated that there is a drainage problem in the area that is caused by a silt problem in the creek. He said that over the years, the creek has silted up and spread out over the hollow. He recommended digging the creek out a little, straightening the course and hopefully that would take care of the drainage problems.

In reply to the complaint relative to the banks caving off on Avon, Mr. Rector stated that the Maintenance Division is making arrangements to get dirt to take care of that problem.

In reply to the complaint relative to odor from manholes, Mr. Rector said that the odor is from a clean-out near the complainant's house. Mr. Rector said that in July, 1982, the Sewer Maintenance Division did move the clean-out out to the edge of the street, but the only solution to the problem would be to replace the service line and that would be at the property owner's expense.

Mr. Fred Sprinkle stated that he did a housing count of the number of plumbing units to be served by the sewer line versus the number allowed by the State Plumbing Code. He determined that the number of units exceed the State's

Thursday, November 18, 1982, 4:00 p.m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwomen Mary Lloyd Frank, Wilhelmina Bratton; Councilmen Joe Pless, Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Gordon Myers

INVOCATION

The invocation was given by Councilwoman Wilhelmina Bratton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 11, 1982, meeting.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the November 11, 1982, were unanimously approved as submitted.

CONTINUATION OF A PUBLIC HEARING - SITE PLAN OF THE PROPOSED EXPANSION AND RENOVATION OF GROVE PARK INN

2. Continuation of a public hearing relative to the site plan of the proposed expansion and renovation of the Grove Park Inn.

Vice-Mayor Price moved to continue the public hearing relative to the Grove Park Inn, without further advertisement, until December 2, 1982. This motion was seconded by Councilman Pless and carried unanimously.

CONTINUATION OF A PUBLIC HEARING - SITE PLAN OF THE "OAK RIDGE VILLAS" TO BE LOCATED ON RIVERVIEW DRIVE

3. Continuation of a public hearing relative to the site plan of the "Oak Ridge Villas" to be located on Riverview Drive.

Mrs. Sonya Luckadoo, Planning Technician, briefly summarized the public hearing on November 4, 1982, relative to this site plan. She stated that the public hearing was continued in order to give the Water & Sewer Services Department ample time to investigate the complaints and problems the Council heard at the November 4 meeting. She said that the report was recently given to Council.

Councilman Pless moved to continue this public hearing, without further advertisement, until December 2, 1982, in order to give Council ample time to review the report. This motion was seconded by Councilwoman Frank.

Mr. Charles Rector, Assistant Director of the Water & Sewer Services Department, summarized the report by stating that his department has done an extensive field survey of the sewer situation and has found the following:

- 1) Sewer Flow - We measured existing flow between 7:00 a.m. and 7:00 p.m. and found the sewer to be flowing at the rate of

Councilman Pless moved to instruct the Director of Inspections to proceed with the demolition order to demolish 55 Crescent Street. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 82-222 - RESOLUTION AUTHORIZING FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION RELATING TO A PROPOSED GENERAL OBLIGATION BOND ISSUE AND DESIGNATING THE AUTHORIZED REPRESENTATIVE OF THE CITY TO FILE THE APPLICATION AND TO EMPLOY BOND COUNSEL

5. Consideration was given to a resolution authorizing filing of an application with the North Carolina Local Government Commission relating to a proposed general obligation bond issue and designating the authorized representative of the City to file the application and to employ bond counsel.

The City Manager read the resolution stating that the City of Asheville intends to apply to the Local Government Commission for approval to sell Public Building Bonds in the amount of \$885,000 for the purpose of reworking the Heating and Air Conditioning Systems to the City Hall Building and Municipal Building, making roof repairs to the City Hall Building, Municipal Building and Civic Center, provide for automation of two City Hall elevators and provide partial funding for the purchase of ten new buses.

Councilwoman Frank moved for the adoption of Resolution No. 82-222. This motion was seconded by Councilwoman Bratton.

Councilman McDevitt said it was his feeling that the bond attorney's fees in New York are too high for the services rendered. He said that an agreement was secured so that North Carolina attorneys could serve as bond counsel for the issuance of industrial revenue bonds, which means that the money paid for these fees stay in state and the work is just as good at reduced cost. He said that he has been in touch with a well known North Carolina law firm that has the capability to perform these functions and based on his experience, he would like very much to see the City work with North Carolina attorneys to do this. Therefore, Councilman McDevitt suggested the following amendment to the resolution (amendment underlined):

"That Larry A. Fisher, . . . and to employ North Carolina bond counsel in connection therewith subject to approval of the City Council; and"

Councilman McDevitt then stated that he would work with the City Manager and Director of Finance to see what conditions the North Carolina attorneys would require in an attempt to employ same as bond counsel. He offered the above amendment with the understanding that if the City Manager, Director of Finance and he can come back and report to the Council on Wednesday, November 24, 1982, that they have been able to make arrangements with the North Carolina firm to handle our bonds, that the Council go ahead and approve that firm as bond counsel for this bond issue.

In response to Councilwoman Frank's inquiry relative to the amount of time the Local Government Commission takes to act on the filing of an application, Councilman McDevitt amended his motion to read as follows (amendment underlined):

"That Larry A. Fisher, . . . and to employ bond counsel in connection therewith subject to approval of the City Council and instruct Mr. Fisher to attempt to retain North Carolina counsel to serve as bond counsel; and"

code by approximately 520 units (State Code allows 2,300 units and on the new line there would be approximately 2,820 units). Mr. Rick Harper, Administrative Assistant in the Water & Sewer Services Department, explained that the lines put in by the developer are in fact governed by the State Plumbing Code but lines that the City maintains direct to collect from these private lines are subject to flow requirements put out by the Department of Human Resources and the Department of Natural Resources. Mr. Harper stated that the City lines do comply with the requirements which we are governed by even though they may not comply with the State Plumbing Code requirements.

Mr. Russell Knight, with Charles Harrell Associates, realtors for the proposed property, stated that they would like some direction from Council soon because with winter weather around the corner, construction would have to be started soon and the financing for the project is the best in years and can change radically anytime.

Councilman McDevitt stated that several residents have asked the Council to come out and look at the area.

Mr. Albert Crook, owner of the property across from the proposed project, was concerned about the amount of runoff water when the project is built. He said that he is currently having runoff problems because the land slants toward his property and there are no storm sewers. Mayor Trantham assured Mr. Crook that this aspect would be looked into.

In response to Councilwoman Frank's request that the creek be dug out to alleviate the drainage problems, the City Manager stated that he would give Council a report on what the conditions are, the cost involved and whether it's public or private.

In response to Councilman McDevitt's question relative to runoff water drainage, Charles Burnett, developer, stated that the runoff water from both parking areas and roof drains will be held in a holding area specifically designed and approved by the Erosion Control Board. Mr. Burnett stated that his engineers have assured him that there will be no additional runoff water off the property than there currently is.

Councilman Pless moved to amend his motion to continue this public hearing, without further advertisement, until Wednesday, November 24, 1982, at 10:00 a.m.. Councilwoman Frank accepted this amendment and seconded his motion. This motion carried unanimously.

Councilwoman Bratton moved to recess at 5:00 p.m. for 10 minutes. This motion was seconded by Councilman Pless and carried unanimously. The Council reconvened their meeting at 5:25 p.m.

REPORT FROM THE DIRECTOR OF INSPECTIONS RELATIVE TO THE STATUS OF 55 CRESCENT STREET

4. Mr. Lem Moore, Assistant Director of Inspections, stated that on September 23, 1982, Council adopted an ordinance directing the Housing Office to demolish the dwelling house known as 55 Crescent Street. However, Council instructed that the demolition process be postponed until the Director of Inspections could contact a prospective buyer of the property. The prospective buyer was contacted on Monday, November 15, 1982, and indicated that he was not going to be able to consummate a sale and he appreciated the Council's efforts in deferring action on his behalf. Mr. Moore recommended to the Council that they instruct the Director of Inspections to carry out the demolition order.

RESOLUTION NO. 82-223 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO VALLEY STREET FROM BILTMORE AVENUE TO POPLAR STREET, PROJECT NUMBER 8.2017501

6. Consideration of a resolution authorizing the Mayor to execute a municipal agreement between the City of Asheville and the North Carolina Department of Transportation for improvements to Valley Street from Biltmore Avenue to Poplar Street, project number 8.2017501.

The City Manager read the resolution.

Upon motion of Councilman Frank, seconded by Vice-Mayor Price, Resolution No. 82-223 was unanimously adopted.

Complete text of Resolution No. 82-223 will be found in Resolution Book No. 13 at page ~~42~~. 353

RESOLUTION NO. 82-224 - RESOLUTION RELATIVE TO THE RE-OPENING OF GLEN FALLS ROAD BRIDGE

7. Consideration of a resolution relative to the re-opening of Glen Falls Road Bridge.

Mayor Trantham apologized for not notifying the residents that this item was coming up on this agenda, but the City wanted to get the bridge opened as soon as possible.

The City Manager read the resolution directing him to re-open the Glen Falls Road Bridge by noon, Tuesday, November 23, 1982, based upon the following conditions:

- 1) Within thirty days, the Lake View Park Commission ("Commission") and the City of Asheville acknowledge in writing that: the Commission is the sole owner of, and has the sole responsibility and liability for, the spillway and dam for Beaver Lake; and the City of Asheville has the sole responsibility and liability for the maintenance, repair and replacement of the Glen Falls Road Bridge.
- 2) Based upon the November 15, 1982, letter from Thompson-Gordon-Shook Engineers, Incorporated, and in reliance upon the letter's accuracy and the determinations and recommendations contained therein, and based upon other information and reports, the bridge will be re-opened by the City of Asheville for single lane travel, with a four ton posted limitation and with a prohibition against use by trucks and buses.
- 3) The Department of Public Works will observe the bridge on a monthly basis.
- 4) The City of Asheville reaffirms that, by re-opening this bridge, it does not assume any ownership, responsibility or liability of or for the spillway or dam for Beaver Lake.

Mr. Gary Rowe said that he would take this resolution back to the Lake View Park Commission and that they would discuss it but he sees no problem with it.

The City Manager read the following letter from Mr. Everett M. Chalk, Assistant Director of the State of North Carolina, Department of State Treasurer, dated October 15, 1982:

"RE: City of Asheville - Proposed \$885,000 Public Building Bonds

"This is a reply to your letter requesting a list of approved bond counsel firms located in North Carolina.

"Historically, bond counsel for all general obligation bonds issued in North Carolina has been one of several New York firms including Brown, Wood, Ivey, Mitchell and Petty. The primary reason why the State and its local units have followed this practice is to ensure marketability of our bonds. Therefore, we choose bond counsel firms based on experience, qualifications and recognition of their opinions by underwriters, banks, insurance companies and other bond purchasers.

"In the issuance of industrial revenue bonds, use of a nationally recognized bond counsel firm has not been required by purchasers since most of these bonds have been privately placed. Therefore, a number of North Carolina law firms have served as bond counsel in industrial financings within the last two years. We have chosen not to make a list of these firms in order to prevent any of them from using this as an endorsement of their qualifications. Enclosed is our publication titled "Guidelines And Procedures For The Employment of Bond Counsel In Industrial Development Bond Financings Under G. S. Chapter 159C" which will give you some background on the role of bond counsel.

"We are of the opinion that nationally recognized bond counsel continues to serve a local unit's best interests on general obligation bond financings. If further information or assistance is needed, please don't hesitate to call."

Councilwoman Frank and Councilwoman Bratton accepted the second amendment suggested by Councilman McDevitt to Resolution No. 82-222. This motion carried unanimously.

The City Manager asked Council to authorize a contract with Corporate Roofing Services in the amount of \$5,000 to prepare plans and specifications for a roof at the Civic Center. He said that they would bring the plans and specifications back to Council within the next 30-45 days.

The City Manager also asked the Council to place a resolution on the November 24, 1982, agenda of intent to authorize the filing of an application with the North Carolina Local Government Commission under the two-thirds rule authority based on debt retirement of the City of Asheville as of July 1, 1983.

Vice-Mayor Price moved to authorize a contract with Corporate Roofing Services in the amount of \$5,000 to prepare plans and specifications for a roof at the Civic Center. This motion was seconded by Councilwoman Bratton and carried unanimously.

Councilman McDevitt said to change Resolution No. 82-222 to read as follows correcting the typographical error:

"WHEREAS, the estimated cost of these projects is \$1,500,000 to \$2,000,000; and"

Complete text of Resolution No. 82-222 will be found in Resolution Book No. 13 at page 380.

271

Vice-Mayor Price moved to schedule a public hearing relative to rezoning property on Patton Avenue from R-3 Residential District to CH Commercial Highway District for December 9, 1982. This motion was seconded by Councilman Pless and carried unanimously.

REGULAR COUNCIL MEETING CHANGED

Vice-Mayor Price moved to have the regular City Council meeting at 10:00 a.m. on Wednesday, November 24, 1982, instead of 4:00 p.m. on Thursday, November 25, 1982. This motion was seconded by Councilman Pless and carried unanimously.

PROCLAMATION - NATIONAL ALZHEIMERS AWARENESS WEEK

Mayor Trantham proclaimed the week of November 21-27, 1982, as "National Alzheimers Awareness Week" in the City of Asheville.

CLAIMS - HOBART RECTOR (WATER & SEWER SERVICES), WILLIE L. MCDANIEL (WATER & SEWER SERVICES) - LAWSUITS IN WHICH THE CITY IS EITHER A DEFENDENT OR A RESPONDENT: CLARA G. SMITH ETAL., RESTRAINING ORDER; ASHV. HOUSING AUTHORITY, CONDEMNATION OF E.L. SYMMS SR. PROPERTY (E. END/VALLEY STREET), CONDEMNATION OF RICHARD MATTISON PROPERTY, CONDEMNATION OF HATTIE RUSH PROPERTY AND CONDEMNATION OF ROBERT L. HAWTHORNE PROPERTY

The City Manager presented claims received from Mr. Hobart Rector (Water & Sewer Services Department) and Mr. Willie L. McDaniel (Water & Sewer Services Department). He also presented a list of summonses in which the City was served either as a defendant or a respondent: Clara G. Smith et al., Restraining Order; Asheville Housing Authority, Condemnation of E. L. Symms, Sr. property, Richard Mattison property, Hattie Rush property and Robert L. Hawthorne property (all in the E. End/Valley Street area).

Mayor Trantham presented the claims and lawsuits to the Corporate Counsel for investigation and recommendation.

CARROLL AVENUE LAND ACQUISITION SETTLEMENT

The City Manager read a letter from Mr. C. E. Vess, Jr., Coordinator of Field Services of the Housing Authority of the City of Asheville, dated November 15, 1982:

"Subject: Carroll Avenue Land Acquisition
Parcels 1 and 4, Dewitt Dowdle

"The owner of the above referenced property has agreed to sell both parcels to the City for a total sum of \$10,000.00. That represents a compromise between our offer of \$8,000.00 and his counter-offer of \$15,260.00.

"It appears that a settlement at \$10,000.00 is justified in this case because by avoiding a jury trial, court cost, attorney fees and administrative time would be saved and a risk of a higher award would be averted.

"The Housing Authority's Board of Commissioners has approved the settlement subject to the approval of City Council. I will await your further instructions."

Councilman Pless moved to accept the settlement in the amount of \$10,000.00 as described in the above letter. This motion was seconded by Vice-Mayor Price and carried unanimously.

He expressed his appreciation to the Council for addressing this issue and hopes that in the future the bridge could be replaced as quickly as possible.

Upon motion of Councilwoman Bratton, seconded by Councilman Pless, Resolution No. 82-224 was unanimously adopted.

Complete text of Resolution No. 82-224 will be found in Resolution Book No. 13 at page ~~384~~.385

RESOLUTION NO. 82-225 - RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PERFORM CERTAIN WORK UNDER THE FEDERAL-AID HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM CONSISTING OF THE REINSPECTION AND ANALYSIS OF ALL PUBLIC BRIDGES ON THE MUNICIPAL STREET SYSTEM IN THE CITY OF ASHEVILLE

8. Consideration of a resolution requesting the Department of Transportation to perform certain work under the federal-aid highway bridge replacement and rehabilitation program consisting of the reinspection and analysis of all public bridges on the municipal street system in the City of Asheville.

The City Manager read the resolution stating that under this agreement the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards. He said that under the agreement, the Federal Highway Administration shall reimburse the Department of Transportation for 80% of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations. He said that the City of Asheville shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 82-225 was unanimously adopted.

Complete text of Resolution No. 82-225 will be found in Resolution Book No. 13 at page ~~385~~.386

RESOLUTION NO. 82-226 - RESOLUTION OF INTENT TO CLOSE A PORTION OF LOGAN AVENUE AS SHOWN ON TAX SHEET 1, WARD 8, BUNCOMBE COUNTY TAX MAPS AND SETTING A PUBLIC HEARING ON THE MATTER

9. Consideration was given to a resolution of intent to close a portion of Logan Avenue as shown on Tax Sheet 1, Ward 8, Buncombe County Tax Maps and setting a public hearing on the matter.

The City Manager read the resolution requesting that the public hearing be set for January 6, 1983.

Upon motion of Councilman Pless, seconded by Vice-Mayor Price, Resolution No. 82-226 was unanimously adopted.

Complete text of Resolution No. 82-226 will be found in Resolution Book No. 13 at page ~~386~~.387

PUBLIC HEARING SET - REZONING PROPERTY ON PATTON AVENUE

10. Consideration was given to setting a public hearing relative to rezoning property on Patton Avenue from R-3 Residential District to CH Commercial Highway District for December 9, 1982.

Wednesday, November 24, 1982 - 10:00 a. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price; Councilwomen Mary Lloyd Frank, Wilhelmina Bratton; Councilmen Joe Pless, Larry McDevitt, and Gordon Myers; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 18, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the November 18, 1982 meeting were unanimously approved as submitted.

CONTINUATION OF PUBLIC HEARING - SITE PLAN OF THE "OAK RIDGE VILLAS" - RIVERVIEW DRIVE

2. Continuation of a public hearing relative to the site plan of the "Oak Ridge Villas" to be located on Riverview Drive.

Mayor Trantham said this public hearing was continued from the November 18, 1982 meeting.

Verl Emrick, Director of Planning, said several concerns were expressed by members of Council during the public hearing on November 18, 1982. He said in answer to these concerns further study was done. He said a traffic count was conducted on Riverview Drive on October 20, 1982 which revealed 771 cars in a 48 hour period or 385 cars per day. He said according to the Traffic Engineering Department Riverview Drive has a capacity of 2400 vehicles per day or 100 vehicles per hour, therefore, the road is well within the capacity to absorb traffic generated by the new development.

Mr. Emrick said the Erosion Control plans of the development comply with all ordinances.

Mr. Charles Rector of the Water and Sewer Department said at the request of Council a study was made to determine the cost of dredging the creek in the area to alleviate an existing drainage problem. He said it would cost approximately \$800 to dredge the creek. He said the staff of the Water and Sewer Department are of the opinion that the drainage problems in the area are created by the creek overflowing. He said it was felt that dredging the creek would alleviate some of the drainage problems in the area.

Councilmen McDevitt and Pless said they had visited the area in question and found water standing in many areas. Councilman Pless said there was a foaming action in the creek similar to those created by sewer problems.

PROCLAMATION - NATIONAL BIBLE WEEK

Mayor Trantham proclaimed the week of November 21-28, 1982, as "National Bible Week" in the City of Asheville.

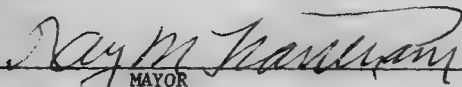
MARCH, 1983 - YOUTH INVOLVEMENT MONTH

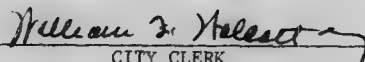
Chris McGee, member of the Asheville Buncombe County Youth Council, asked for Council's support for youth projects in March, 1983, in connection with "Youth Involvement Month."

Vice-Mayor Price moved to support youth projects in March, 1983, in conjunction with "Youth Involvement Month." This motion was seconded by Councilwoman Frank and carried unanimously.

ADJOURNMENT

Councilman Pless moved to adjourn the meeting. This motion was seconded by Vice-Mayor Price and carried unanimously.


MAYOR


CITY CLERK

SELECTION OF BOND ATTORNEY FOR MATTERS RELATED TO BOND ISSUE DESCRIBED IN RESOLUTION NO. 82-222 (GENERAL OBLIGATION BOND ISSUE)

3. Councilman McDevitt said, as discussed during the adoption of Resolution No. 82-222 on November 18, 1982, he had conferred with the bond attorneys in New York, Mr. Aperans, and was told that their fee for authorization and issuance of the bonds would be \$2,520 plus expenses necessary to secure the passage of the bonds. He said he also contacted Doris Bray, partnership in the law firm of Smith, Moore, Smith, Shell and Hunter in Greensboro, North Carolina and was told their fee would be \$2,000 plus expenses. He said this firm is probably the best known firm in North Carolina. He said they have a proven track record and are capable of handling the bond issue. He said he was in favor of using North Carolina attorneys and felt sure they could give the City better service since they are closer than the New York attorneys. He said he would recommend that the City employ the law firm of Smith, Moore, Smith, Shell and Hunter in Greensboro, North Carolina as the City's bond counsel for this particular bond issue and that they be listed as bond counsel on the application to be submitted to the Local Government Commission. He said if any problems were incurred with the Local Government Commission approving the bond issue with this bond counsel the City could simply substitute the firm in New York as bond counsel.

Corporation Counsel William C. Moore agreed with the comments made by Councilman McDevitt.

After a brief discussion, Councilman McDevitt moved to employ the law firm of Smith, Moore, Smith, Shell and Hunter in Greensboro, North Carolina as the City's bond counsel for this particular bond issue and they be listed as bond counsel on the application to be submitted to the Local Government Commission. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 82-227 - RESOLUTION OF INTENT TO AUTHORIZE THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION UNDER THE TWO-THIRDS RULE AUTHORITY AS PROVIDED IN NORTH CAROLINA GENERAL STATUTE 159-49

4. Consideration was given to a resolution of intent to authorize the filing of an application with the North Carolina Local Government Commission under the two-thirds rule authority as provided in North Carolina General Statute 159-49.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 82-227 was unanimously adopted.

Complete text of Resolution No. 82-227 will be found in Resolution Book No. 13 at page 389.

ENERGY SAVINGS PAMPHLET TO BE DISTRIBUTED TO CITY EMPLOYEES

Councilwoman Frank presented to members of Council a pamphlet from Carolina Power and Light Company showing ways to save on energy costs. She said the pamphlet would be distributed to City employees with their pay checks.

57

Councilman Pless said he did not have any problems approving the site plan however he did have problems with runoff water in the area, particularly on Euclid. He said he felt the project would cause additional drainage and would affect the residents on Euclid. He suggested that the City install a storm sewer down Avon back to the creek area to alleviate this problem.

Upon inquiry of Councilman Pless, Mr. Clark Brown said it would cost approximately \$3,500 - \$4,000 to install the storm sewer about 400 ft. Mr. Brown said he felt the creek in question should have extensive dredging.

Several members of Council said they felt the problems expressed by the residents in the area of sewer problems and drainage problems are not directly related to the new development. They said the problems are presently existing and those would be the responsibility of the City. However, the development of the project could cause these problems to worsen.

Councilman Pless suggested that the City and the developer of the project work together in installing a storm sewer down Avon to the creek since it would benefit the development as well as the residents in the area.

Corporation Counsel William C. Moore advised Council that the creek area is private property and the City would need permission to work on this property.

The City Manager said he felt Council was addressing two separate issues. He said Council is addressing the approval of the site plan for Oak Ridge Villas and existing problems with drainage and sewer. He suggested that Council approve the project contingent upon the City and the developer of the Oak Ridge Villas sharing the costs of improvements to the storm drainage system in the area.

Councilman Myers said he would like for Council to approve the project since the developer has complied with all code requirements and address the city problems separately.

The developer of the Oak Ridge Villas project said he would be agreeable to changing their erosion control plans to accommodate a new drainage system discussed by Council. He said they would also allow any necessary right-of-ways for service and maintenance.

After discussion, Vice-Mayor Price moved to approve the site plan of the "Oak Ridge Villas" project subject to the Erosion Control standards that would be necessary for the project and to tie into the city system to improve the drainage system in the area as well as for the project. This motion was seconded by Councilman Myers and carried unanimously.

During discussion of the above motion, a discussion was held relative to sewer and drainage problems in the area which have existed for some time. Council directed that the staff prepare an engineering report outlining the solutions to these existing problems and the cost involved in same.

In the discussion, Mayor Trantham recommended that the total project to improve the sewer and drainage in the area not exceed \$8,000.

COUNCILWOMAN FRANK - SUGGESTED THAT COUNCIL MEET WITH THE CHAIRMAN OF THE ASHEVILLE SCHOOL BOARD

Councilwoman Frank said she had received a number of telephone calls from parents who have children in the Asheville City School system as well as calls from several of the teachers relative to a reorganization of the school system. She suggested that Council consider meeting with the Chairman of the Asheville City School Board during a Council work session relative to this reorganization.

ADJOURNMENT

Upon motion, the meeting adjourned.

Ney M. Harrison
MAYOR

William S. Halesatt
CITY CLERK

REPORT ON TRANSIT COMMITTEE - COUNCILWOMAN FRANK

Councilwoman Frank said the Chairman of the Asheville Transit Authority, Mr. Richard Gallagher reported that the Department of Transportation is working on a "Fare Transportation Policy." She said there would be no change in funding for the authority until 1985. She said in February ATC, another Transit System, will be coming to Asheville for a workshop on how to handle a transit system. She said union negotiations will start in March or April.

COUNCIL MEMBERS PARTICIPATING IN CHRISTMAS PARADE

The City Manager announced that all Council members participating in the Christmas Parade should meet in the basement of City Hall at 2:00 p. m.

CLAIMS - MARIAN WILLIAMS (WATER AND SEWER) - J. TIM WILSON (PUBLIC WORKS) - CARL ROBERTS (PUBLIC WORKS)

The City Manager presented claims received from Marian Williams, J. Tim Wilson, and Carl Roberts.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - WEEK OF JANUARY 23, 1982 AS "INDUSTRY APPRECIATION WEEK"

Mayor Trantham proclaimed the week of January 23, 1982 as "Industry Appreciation Week."

THANKSGIVING HOLIDAYS FOR CITY EMPLOYEES - WORK SESSION FOR DECEMBER 2, 1982

The City Manager announced that the City Building would be closed on November 25, 1982 for Thanksgiving. He said there would not be a Council meeting on November 25, 1982.

It was the consensus of Council to meet at 12:30 p. m. on Thursday, December 2, 1982 for a work session.

GLEN FALLS BRIDGE OPEN - MONDAY, NOVEMBER 22, 1982

The City Manager announced that Glen Falls Bridge was opened on Monday, November 22, 1982 by the Street Division.

APPROVAL OF ADDENDUM NO. 1 TO BID SPECIFICATIONS FOR REFUSE COLLECTION SERVICE

Mr. Clark Brown, Director of Public Works, presented to Council for approval addendum no. 1 to bid specifications for refuse collection service in the City of Asheville. He said these changes were a result of recommendations made by Councilman McDevitt.

Councilman McDevitt moved to approve addendum no. 1 to bid specifications for refuse collection service for the City of Asheville. This motion was seconded by Councilwoman Frank and carried unanimously.

Mayor Trantham asked to go on record as opposing contracting refuse collection service for the City of Asheville to a private contractor unless there is a substantial savings.

Mayor Trantham said this public hearing was continued from the November 11, 1982 meeting.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a meeting held on November 3, 1982 reviewed the site plan of the proposed "Timbers" Condominiums to be located on Beaverdam Road. After review and discussion the Commission voted to recommend approval of the project subject to the following requirements:

- 1) Compliance with Erosion Control Ordinance;
- 2) Approval by NCDOT of curb cut permit to include assessment of sight distance; and
- 3) Receipt of flow study information on sanitary sewer.

Mr. Emrick said the project of approximately 29 acres will consist of 63 units which is well below the requirements for the R-3 Residential zone. He said all parking requirements have been complied with and the Water and Sewer Department has said that water is available for the project. He said fire hydrants would be placed throughout the project. He said the proposed roads are adequate for fire equipment. He said the erosion control plans state that all the water from the project would go into a creek across the road from the project. However, it would not be going onto anyone's property.

Mr. Emrick said following the Planning Board's meeting a flow study was made by the Water and Sewer Department on the sanitary sewer due to previous problems in the sewer line to supply the project. He said this project is under the jurisdiction of the North Carolina Department of Human Resources and Community Development which requires the issuance of a water and sewer permit to assure that waste can be treated, accepted by the system, and has the capacity to carry the load. He said the basic problems in the system has been siltation problems. He said the city has recently flushed the lines from Killian Road to Elk Mountain Scenic Highway several times. He said an agreement has been worked out with Roy Davis, representative of the North Carolina Department of Human Resources and Community Development, for the issuance of the permit, provided that the City again flushes the line from Killian Road to the golf course. He said some repairs will need to be made to several segments of the line, however the costs for those repairs could be negotiated with several developers in the area.

Larry Traber, Architect for the project, said it is proposed that four (4) units would begin immediately, with the project being constructed in phases depending upon the market for condominiums. He said it would take a minimum of two (2) years to complete 60 units.

Ralph Morris spoke in support of the proposed project.

Mayor Trantham closed the public hearing at 4:27 p. m.

Councilwoman Frank moved to approve the site plan for the "Timbers" Condominiums to be located on Beaverdam Road contingent upon compliance with the Erosion Control Ordinance; approval by N.C. DOT of curb cut permit to include assessment of sight distance; issuance of Water and Sewer permit from the North Carolina Department of Human Resources and Community Development; and that the first phase of the project be on the alternate sewer tap. This motion was seconded by Vice-Mayor Price and carried unanimously.

Thursday, December 2, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, and Gordon Myers; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.
(Councilman Larry McDevitt took his seat in Council at 4:50 p. m.)

Absent: None

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the November 24, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the November 24, 1982 meeting were unanimously approved as submitted.

PROCLAMATION - "NATIONAL HOME HEALTH WEEK" - NOVEMBER 28 - DECEMBER 3, 1982

Pam Tidwell, with the Home Health Service Organization, read the proclamation and explained the services provided by Home Health Agencies.

Mayor Trantham proclaimed November 28 - December 3, 1982 as "National Home Health Week."

CONTINUATION OF PUBLIC HEARING - PROPOSED EXPANSION AND RENOVATION OF GROVE PARK INN

2. A public hearing relative to the site plan of the proposed expansion and renovation of the Grove Park Inn continued.

Mayor Trantham stated this public hearing was continued from the November 18, 1982 meeting.

Verl Emrick, Director of Planning, said the developers are in the process of working on an engineering solution to supplying water to the project, however they are not ready for Council consideration at this time.

Councilwoman Frank moved to continue the public hearing for the proposed expansion and renovation of Grove Park Inn until the developers are ready for consideration by Council. This motion was seconded by Vice-Mayor Price and carried unanimously.

CONTINUATION OF PUBLIC HEARING - PROPOSED "TIMBERS" CONDOMINIUMS TO BE LOCATED ON BEAVERDAM ROAD

3. A public hearing relative to the site plan of the proposed "Timbers" Condominiums to be located on Beaverdam Road continued.

RESOLUTION NO. 82-228 - RESOLUTION AMENDING AUDIT CONTRACT

7. Consideration was given to a resolution amending audit contract.

The City Manager read the resolution.

Bob Wurst, Budget/Audit Director, said on August 5, 1982 the City received notice from the Regional Inspector General of the Department of HUD that they had been named cognizant agency to monitor audits of all federally funded activities of the City in accordance with OMB Circular A-102 Attachment P. He said in the past each federal or state grant had to be audited separately either by the City's auditor by separate contract from our regular annual audit or by the particular federal agency's auditors. In the future we will have only one audit which will meet the compliance requirements of all federal and state grants as well as the requirements of our regular financial audit. This will result in cost savings to the City as well as the federal or state agencies from which we receive grants. The audit contract with Patton Hunter and Company for the Fiscal Year ended June 30, 1982 did not include provisions for this change, therefore we must do the additional work required to meet the requirements of OMB Circular A-102 Attachment P. The amendment to the contract will provide for the single compliance audit to be performed at an additional cost not to exceed \$11,000.

Upon motion of Councilman Myers, seconded by Vice-Mayor Price, Resolution No. 82-228 was unanimously adopted.

Complete text of Resolution No. 82-228 will be found in Resolution Book No. 13 at page 390.

RESOLUTION NO. 82-229 - RESOLUTION APPROVING THE ACCEPTANCE OF AN ENGINEERING SERVICES PROPOSAL FROM THOMPSON-GORDON-SHOCK ENGINEERS, INC. FOR THE REPLACEMENT/REHABILITATION OF THE GASHES CREEK ROAD BRIDGE, THE ARCO ROAD BRIDGE AND THE CHESTNUT STREET BRIDGE

8. Consideration was given to a resolution approving the acceptance of an engineering services proposal from Thompson-Gordon-Shook Engineers, Inc. for the Replacement/Rehabilitation of the Gashes Creek Road Bridge, the Arco Road Bridge, and the Chestnut Street Bridge.

The City Manager read the resolution stating that three (3) proposals for engineering services for the above referenced work were received. Recommendation of the approval of the proposal from Thompson-Gordon-Shook Engineers, Inc. in the amount of \$124,300.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-229 was unanimously adopted.

Complete text of Resolution No. 82-229 will be found in Resolution Book No. 13 page 391.

ORDINANCE NO. 1326 - BUDGET ORDINANCE AMENDMENT TO FUND TWO WORD PROCESSING TECHNICIANS

4. Consideration was given to a budget ordinance amendment to fund two word processing technicians.

The City Manager read the ordinance stating that this would provide funding for two Word Processing Technicians for the Word Processing Center for the remainder of the fiscal years and to appropriate money for equipment (file cabinets and terminal table) for the center.

Vice-Mayor Price moved for the adoption of Ordinance No. 1326. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 6-0, Ordinance No. 1326 passed on first and final reading.

Complete text of Ordinance No. 1326 will be found in Ordinance Book No. 9 at page 409.

ORDINANCE NO. 1327 - BUDGET ORDINANCE AMENDMENT TO RECOVER FICA TAXES

5. Consideration was given to a budget ordinance amendment to recover FICA taxes paid on sick leave for calendar year 1978, 1979, 1980 and 1981.

The City Manager read the ordinance stating that this amendment is to recover FICA taxes paid on sick leave for calendar year 1978, 1979, 1980, and 1981. About \$30,000 - \$43,000 is expected to be refunded to the City in fiscal year 1983-84.

Councilwoman Bratton moved for the adoption of Ordinance No. 1327. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1327 passed on first and final reading.

Complete text of Ordinance No. 1327 will be found in Ordinance Book No. 9 at page 410.

ORDINANCE NO. 1328 - BUDGET ORDINANCE AMENDMENT FOR REPLACEMENT OF CIVIC CENTER CURTAINS

6. Consideration was given to a budget ordinance amendment to rebudget funds for replacement of Civic Center curtains.

The City Manager read the ordinance stating that this amendment in the amount of \$9,088 is to rebudget funds for replacement of Civic Center curtains. This item was approved in the Fiscal 1981-82 Revenue Sharing Budget but proposals were not obtained until this fiscal year.

Bill Murphy, Director of the Civic Center, spoke in support of the amendment stating the need for the replacement of the curtains.

Councilman Pless moved for the adoption of Ordinance No. 1328. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1328 passed on first and final reading.

Complete text of Ordinance No. 1328 will be found in Ordinance Book No. 9 at page 411.

Councilwoman Frank moved for the adoption of Ordinance No. 1329. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 6-0, Ordinance No. 1329 passed on first and final reading.

Complete text of Ordinance No. 1329 will be found in Ordinance Book No. 9 at page 412.

CITY COUNCIL WORK SESSION FOR DECEMBER 9, 1982 - 12:30 P. M.

At the request of the City Manager, it was the consensus of Council to meet at 12:30 p. m. on Thursday, December 9, 1982 for a work session.

FRINGE BENEFIT COMMITTEE MEETING - DECEMBER 9, 1982 - 10:30 A.M.

The City Manager said there would be a Fringe Benefit Committee meeting on December 9, 1982 at 10:30 a. m.

REQUEST FROM STATE DEPARTMENT OF TRANSPORTATION - RESPONSIBILITY OF STREET LIGHTS ON WEST ASHEVILLE BRIDGE

The City Manager said a request from the State Department of Transportation was received for the City to assume the responsibility of the street lights on the West Asheville Bridge at Haywood Road/Clingman Avenue. He said after investigation it was determined that it would cost \$2,300 per year for the City to assume the responsibility with the present system. He said it was determined that by reducing the wattage on the lighting system the maintenance cost per year would be \$984. The cost of changing the system would be \$1,100.

After discussion, it was the consensus of Council to have the city staff negotiate with the State Department of Transportation on the responsibility of the street lights. It was also the consensus of Council that the lighting system should be reduced to provide for a lower annual maintenance costs.

BID DATE FOR REFUSE COLLECTION SYSTEM FOR THE CITY OF ASHEVILLE CHANGED

At the request of the City Manager, Councilman Pless moved to change the bid date for the refuse collection system for the City of Asheville to January 18, 1982. This motion was seconded by Councilman Myers and carried unanimously.

LEGISLATIVE RECOMMENDATIONS DUE DECEMBER 6, 1982

The City Manager asked that any legislative recommendations be turned in by December 6, 1982.

CLAIMS - ASHEVILLE STEEL COMPANY, INC. (WATER & SEWER) - CAUSTIC SODA TRANSPORTATION COMPANY (PUBLIC WORKS) - BOYD BLANKENSHIP (WATER AND SEWER)

The City Manager presented claims received from Asheville Steel Company, Caustic Soda Transportation Company and Boyd Blankenship.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

285

RESOLUTION NO. 82-230 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ENGINEER SERVICE WITH THOMPSON-GORDON-SHOCK ENGINEERS, INCORPORATED FOR DEMOLITION AND REPLACEMENT OF KILLIAN ROAD BRIDGE OVER BEAVERDAM CREEK

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement for engineer service with Thompson-Gordon-Shook Engineers, Incorporated for demolition and replacement of Killian Road Bridge over Beaverdam Creek.

The City Manager read the resolution stating that the City of Asheville proposes to demolish and replace the Killian Road Bridge over Beaverdam Creek. Thompson-Gordon-Shook Engineers Incorporated has submitted an Engineering Services Proposal for the demolition and replacement of the Killian Road Bridge.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 82-230 was unanimously adopted.

Complete text of Resolution No. 82-230 will be found in Resolution Book No. 13 at page 392.

RESOLUTION NO. 82-231 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH BLUE CROSS/BLUE SHIELD OF NORTH CAROLINA FOR THE ADMINISTRATION OF THE CITY'S EMPLOYEE GROUP HEALTH, HOSPITALIZATION AND MEDICAL INSURANCE PROGRAM

10. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contractual agreement with Blue Cross/Blue Shield of North Carolina for the administration of the City's Employee Group Health, Hospitalization and Medical Insurance Program.

The City Manager read the resolution.

Upon motion of Councilwoman Bratton, seconded by Councilman Myers, Resolution No. 82-231 was unanimously adopted.

Complete text of Resolution No. 82-231 will be found in Resolution Book No. 13 at page 393.

Mayor Trantham was excused from the meeting and turned the meeting over to Vice-Mayor Price.

MOTION CANCELLING CITY COUNCIL MEETINGS SCHEDULED FOR DECEMBER 23 AND DECEMBER 30, 1982

11. Councilwoman Frank moved that the City Council meetings scheduled for December 23 and December 30, 1982 be cancelled due to the Christmas Holidays. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1329 - BUDGET ORDINANCE AMENDMENT FOR REPAIRS AT MUNICIPAL BUILDING

12. Consideration was given to a budget ordinance amendment for repairs at the Municipal Building.

The City Manager read the ordinance stating that this amendment in the amount of \$4,500 would be provided for electrical work at the Municipal Building.

Thursday - December 9, 1982 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (due to death in family)

INVOCATION

The invocation was given by Councilman Larry McDevitt.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT 1186 PATTON AVENUE

1. A public hearing was held relative to rezoning property located at 1186 Patton Avenue.

Vice-Mayor Price opened the public hearing at 4:05 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held November 3, 1982, considered the petition of Mr. and Mrs. Robert Ledford, Owners, and Mr. William Orr and First Union National Bank, Trustees, that a portion of Lot 10, Sheet 11, Ward 6, be rezoned from R-3 Residential District to CH Commercial Highway District. After discussing the issues of the request the Commission voted to recommend denial of the petition to City Council. However, the petitioners are appealing the decision of the Planning and Zoning Commission and have requested a public hearing on the rezoning matter. He said in the petitioners letter of appeal dated November 15, 1982, the petitioners amended their original rezoning request to allow for a buffer between the Commercial Highway District and the Residential District. He said the Planning and Zoning Commission received a petition from the adjoining property owners protesting the rezoning due to the slope involved in the property as well as encroachment upon residential property. He said a valid protest petition was received by the City Clerk, however the petition does not qualify for the "3/4 affirmative vote" by Council.

Mr. George Weir, appearing on behalf of the petitioners, spoke in support of the rezoning stating that the rezoning would be in keeping with the present land use in the area. He said this is a commercial neighborhood and the petitioner proposes to expand a present business.

The following property owners spoke in opposition to the rezoning.

Mr. Sherrill Barber, 54 BelAir Street
Mrs. Marie Murray, BelAir Street
Mrs. Thelma McCurry, 38 Mace Avenue
Mrs. Judy Lylerly, 62 Bel Air Street

Councilman McDevitt took his seat on Council at 4:50 p. m.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING CITY RECORDS

Ralph Bishop spoke relative to his difficulty in obtaining city records. He requested a copy of inspection reports done by the City on thermostat inspections for the State of North Carolina. He also requested a copy of the minutes of the Board of Examiners of the Police Pension Fund when former Chief of Police J. C. Hall received disability retirement benefits.

ADJOURNMENT

Upon motion of Councilwoman Bratton, seconded by Councilman Myers the meeting adjourned at 5:00 p. m.

Raymond Bratton
MAYOR

William F. Holcomb
CITY CLERK

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING CITY RECORDS

Ralph Bishop spoke to Council relative to his difficulty in obtaining Police Pension Board records relative to former Police Chief J. C. Hall's disability benefits.

Vice-Mayor Price informed Mr. Bishop that he should appear before the Board of Examiners for the Policemen's Pension and Disability Fund and request the records he is wanting to obtain.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:10 p. m.

Ray M. Shattuck
MAYOR

Melvin F. Shattuck
CITY CLERK

After discussion, Vice-Mayor Price closed the public hearing at 4:47 p. m.

Verl Emrick, Director of Planning, read the proposed ordinance rezoning the property as petitioned.

Due to the lack of a motion for adoption the ordinance did not pass.

APPROVAL OF THE MINUTES

2. Approval of the minutes of the December 2, 1982 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the minutes of the December 2, 1982 meeting were unanimously approved as submitted.

RESOLUTION NO. 82-232 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION RELATING TO A PROPOSED GENERAL OBLIGATION BOND ISSUE AND DESIGNATING THE AUTHORIZED REPRESENTATIVE OF THE CITY TO FILE THE APPLICATION AND TO EMPLOY BOND COUNSEL (Vehicle Maintenance Facility and major roof repairs to the Civic Center)

3. The City Manager said on November 18, 1982 Council adopted Resolution No. 82-222 authorizing the filing of an application to sell Public Building Bonds in the amount of \$885,000 for the purpose of reworking the Heating and Air Conditioning Systems to the City Hall Building and Municipal Building, making roof repairs to the City Hall Building, Municipal Building and Civic Center, providing for automation of two City Hall elevators and providing partial funding for the purchase of ten new buses. He said since that time the Director of Finance was told by the Bond Counsel that the purchase of the buses could not be included in the bond issue. He said in the meantime priorities have been rearranged and the staff is now recommending that Council rescind Resolution No. 82-222 and adopt a resolution to sell Public Building Bonds in the amount of \$885,000 for the purpose of providing funds for the construction of a Vehicle Maintenance Facility and making major roof repairs to the Civic Center. He said engineering studies on these two projects are farther along than the previous projects.

The City Manager read the resolution.

Councilman McDevitt moved to amend the resolution to include and reaffirm the employment of the law firm of Smith, Moore, Smith, Shell and Hunter in Greensboro, North Carolina as the City's bond counsel for this particular bond issue, relating to Resolution No. 82-232, and that they be listed as bond counsel on the application to be submitted to the Local Government Commission. This motion was seconded by Councilwoman Frank and carried unanimously.

Councilman McDevitt moved for the adoption of Resolution No. 82-232, as amended. This motion was seconded by Councilman Pless and carried unanimously.

Complete text of Resolution No. 82-232 will be found in Resolution Book No. 13 at page 394-395.

CLAIMS - NELLE THOMAS (POLICE DEPT.) - HORACE CUNNINGHAM (WATER & SEWER) - SOUTHERN BELL (WATER & SEWER) - MICHAEL MCELREATH (POLICE)

4. The City Manager presented claims received from Nelle Thomas, Horace Cunningham, Southern Bell and Michael McElreath.

- 1) Compliance with the City of Asheville's Erosion Control Ordinance;
- 2) That the developer, in cooperation with the Department of Water and Sewer Services, take necessary steps to obtain adequate domestic water supply and fire protection prior to City Council's review.

He said all stipulations of the Planning and Zoning Commission's approval have been met. He said the developer proposes to attach a tap to a 12" water line to provide for adequate water supply. He said the funding would be a three-way split for the water supply costs with the City of Asheville providing \$40,000, Buncombe County Commissioners providing \$40,000 and Grove Park Inn providing \$40,000.

Mr. Von Treskow, with Grove Park Inn, gave a brief overview of Grove Park Inn's proposed expansion and renovation project. He also reviewed a large rendering of the proposed project.

After discussion, Mayor Trantham closed the public hearing at 4:25 p. m.

Councilwoman Frank moved to approve the site plan of the proposed expansion and renovation of the Grove Park Inn, subject to the conditions of the Planning and Zoning Commission. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1330 - BUDGET ORDINANCE AMENDMENT RELATIVE TO STREET SIGN PROGRAM

4. Consideration was given to a budget ordinance amendment to establish a Capital Project for Street Sign Program.

The City Manager read the ordinance stating that this budget amendment in the amount of \$33,000 is to establish a Capital Project for Street Sign Program. Funding approved from General Revenue Sharing 1982/83 Operating Budget. He said hopefully, this will replace all street signs citywide.

Councilwoman Bratton moved for the adoption of Ordinance No. 1330. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1330 passed on first and final reading.

Complete text of Ordinance No. 1330 will be found in Ordinance Book No. 9 at page 413.

ORDINANCE NO. 1331 - BUDGET ORDINANCE AMENDMENT TO SET UP PROJECT FOR PIANO REPAIR

5. Consideration was given to a budget ordinance amendment to set up a project for piano repair at the Civic Center.

The City Manager read the ordinance stating that this budget amendment will set up a project for piano repair - \$1,300 Contributions, \$800 City General Fund and \$200 from Civic Center Operating Budget.

Thursday - December 16, 1982 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Mayor Trantham introduced Rev. Avery who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 9, 1982 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the minutes of the December 9, 1982 meeting were unanimously approved as submitted.

APPROVAL OF SIGN PERMIT - U. S. 70 - K-MART

2. Consideration was given to approval of a sign permit for an addition to a freestanding sign located on U. S. 70 at K-Mart.

Virgil Bradley, with the Inspections Division, said Mr. Ed Greene, on behalf of K-Mart, has applied for a sign permit to erect an addition to a freestanding sign located on U. S. 70 at K-Mart. He said the addition would be 72 sq. ft. to the Radio Shack Sign now in existence. He said the sign will be situated closer than 600' from a limited access highway which requires the approval of Council pursuant to Zoning Ordinance No. 322.

After discussion, Councilman Myers moved for the approval of the sign permit for an addition to a freestanding sign located on U. S. 70 at K-Mart. This motion was seconded by Councilwoman Bratton and carried unanimously.

CONTINUATION OF PUBLIC HEARING - SITE PLAN FOR THE PROPOSED EXPANSION AND RENOVATION OF THE GROVE PARK INN

3. A public hearing relative to the site plan of the proposed expansion and renovation of the Grove Park Inn continued.

Mayor Trantham said this public hearing was continued from the December 2, 1982 meeting.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a meeting held October 6, 1982 reviewed the site plan of the proposed expansion and renovation of the Grove Park Inn. The plan was prepared by Daniel Construction Company, Greenville, South Carolina, for Sammons Enterprises, Dallas, Texas, Owner. After review and discussion of the plan, the Commission voted to recommend approval subject to the following requirements:

ORDINANCE NO. 1334 - BUDGET ORDINANCE AMENDMENT TO PROVIDE COMMUNITY DEVELOPMENT FUNDS FOR PISGAH VIEW APARTMENTS RENOVATION

8. Consideration was given to a budget ordinance amendment to provide Community Development funds in the amount of \$75,000 for Pisgah View Apartments renovations.

The City Manager read the ordinance.

David Jones, Executive Director of the Housing Authority of the City of Asheville, said these funds would be used to renovate the furnace system at the Pisgah View Apartments.

Councilman McDevitt moved for the adoption of Ordinance No. 1334. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1334 passed on first and final reading.

Complete text of Ordinance No. 1334 will be found in Ordinance Book No. 9 at page 417.

BIDS - AUTOMOBILES FOR POLICE AND FIRE DEPARTMENTS

9. Consideration was given to bids for automobiles for the Police and Fire Departments.

The City Manager presented the bids stating that bids were received on November 18, 1982 to furnish the Police Department with twelve (12) police type automobiles and the Fire Department with two (2) automobiles. Three (3) bids were received. Bids are firm until January 17, 1983. Recommendation of acceptance of over-all lowest bid submitted by Apple Tree Chevrolet, in the amount of \$127,530.12.

Councilman McDevitt requested that he be excused from voting on the bids due to a conflict of interest in that his law firm represents Apple Tree Chevrolet Company.

Vice-Mayor Price moved that Councilman McDevitt be excused from voting on the bids for automobiles for the Police and Fire Departments. This motion was seconded by Councilwoman Frank and carried unanimously.

Councilwoman Frank moved to accept the over-all lowest bid submitted by Apple Tree Chevrolet for the automobiles for the Police and Fire Departments. This motion was seconded by Councilman Pless and carried unanimously, with Councilman McDevitt being excused from voting.

RESOLUTION NO. 82-234 - RESOLUTION REGARDING AUDITING CONTRACT (Patton, Hunter & Company)

10. Consideration was given to a resolution regarding auditing contract.

The City Manager read the resolution stating that this resolution will authorize a contract with the auditing firm of Patton, Hunter and Company for an audit of the financial accounts and records of the City of Asheville for the fiscal year ending June 30, 1983.

Councilman McDevitt moved for the adoption of Ordinance No. 1331. This motion was seconded by Councilman Pless.

On a roll call vote of 7-0, Ordinance No. 1331 passed on first and final reading.

Complete text of Ordinance No. 1331 will be found in Ordinance Book No. 9 at page 414.

ORDINANCE NO. 1332 - BUDGET ORDINANCE AMENDMENT - PEACH KNOB CITY'S RADIO COMMUNICATIONS TOWER

6. Consideration was given to a budget ordinance amendment to provide funds to purchase a permanent site at Peach Knob for the City's Radio communications tower.

The City Manager read the ordinance stating that this budget amendment is to provide funds to purchase a permanent site at Peach Knob for the City's radio communications tower; to relocate the existing Peach Knob tower; to build a utility building at Peach Knob; and to consolidate the Fire dispatch equipment with the police department dispatch equipment.

John Miall, with the Management Services Department, explained the need for the budget amendment. He answered general questions from members of Council. He said the total budget amendment for this project is \$39,615.

Councilwoman Bratton moved for the adoption of Ordinance No. 1332. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1332 passed on first and final reading.

Complete text of Ordinance No. 1332 will be found in Ordinance Book No. 9 at page 415.

ORDINANCE NO. 1333 - BUDGET ORDINANCE AMENDMENT TO SET UP PROJECT TO ACCOUNT FOR THE ZHA DOWNTOWN STUDY

7. Consideration was given to a budget ordinance amendment to set up project to account for the ZHA Downtown Study.

The City Manager read the ordinance stating that this budget amendment is to set up a project to account for the ZHA downtown study. Funding is \$40,000 from the City, \$40,000 from the County and \$40,000 from donations.

Councilwoman Frank moved for the adoption of Ordinance No. 1333. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 7-0, Ordinance No. 1333 passed on first and final reading.

Complete text of Ordinance No. 1333 will be found in Ordinance Book No. 9 at page 416.

CLAIMS - FRANK HYATT (PUBLIC WORKS) - SOUTHERN BELL (WATER AND SEWER) - DOWNTOWNER MOTOR INN (WATER AND SEWER)

16. The City Manager presented claims received from Frank Hyatt, Southern Bell and Downtowner Motor Inn.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

ORDINANCE NO. 1335 - BUDGET ORDINANCE AMENDMENT PROVIDING FUNDS FOR REPAIRS TO MUNICIPAL BUILDING

17. Consideration was given to a budget ordinance amendment providing funds for plumbing repairs to the Municipal Building.

The City Manager read the ordinance stating that this budget amendment in the amount of \$5,000 is to provide funds for plumbing repairs to the Municipal Building.

Councilwoman Frank moved for the adoption of Ordinance No. 1335. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1335 passed on first and final reading.

Complete text of Ordinance No. 1335 will be found in Ordinance Book No. 9 at page 418.

ORDINANCE NO. 1336 - BUDGET ORDINANCE AMENDMENT TO REFURBISH ROOM 509 FOR WORD PROCESSING CENTER

18. Consideration was given to a budget ordinance amendment providing funds to refurbish Room 509 of the City Building for use as a word processing center.

The City Manager read the ordinance stating that this budget amendment in the amount of \$5,850 is to provide funds to refurbish Room 509 of the City Building for use as a word processing center. Work involves cleaning, painting, wiring, and installing 4-station work center.

Vice-Mayor Price moved for the adoption of Ordinance No. 1336. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1336 passed on first and final reading.

Complete text of Ordinance No. 1336 will be found in Ordinance Book No. 9 at page 419.

RALPH BISHOP - COMMENTS RELATIVE TO CITY GOVERNMENT

Ralph Bishop again made comments to Council relative to the manner in which the City government is run.

Upon motion of Councilman McDevitt, seconded by Councilman Myers, Resolution No. 82-234 was unanimously adopted.

Complete text of Resolution No. 82-234 will be found in Resolution Book No. 13 at page 397.

RESOLUTION NO. 82-235 - RESOLUTION APPROVING THE ACCEPTANCE OF AN ENGINEERING SERVICES PROPOSAL FROM THOMPSON-GORDON-SHOOK, ENGINEERS, INC. FOR THE REPLACEMENT/REHABILITATION OF THE GLEN FALLS ROAD BRIDGE

11. Consideration was given to a resolution approving the acceptance of an engineering services proposal from Thompson-Gordon-Shook Engineers, Inc. for the replacement/rehabilitation of the Glen Falls Road Bridge.

The City Manager read the resolution stating that these engineering services are necessary in order to replace/rehabilitate the Glen Falls Road. He said the North Carolina Department of Transportation has approved funding in the amount of \$100,000 for this project and the City of Asheville will be providing \$20,000.

Upon motion of Councilwoman Bratton, seconded by Councilwoman Frank, Resolution No. 82-235 was unanimously adopted.

Complete text of Resolution No. 82-235 will be found in Resolution Book No. 13 at page 398.

PUBLIC HEARING SCHEDULED - HISTORIC PROPERTY - "ZEALANDIA - VANCE GAP ROAD"

12. Councilwoman Frank moved to schedule a public hearing relative to an ordinance designating a building and property known as "Zealandia" located on Vance Gap Road at the summit of Beaucatcher Mountain in Buncombe County as Historic Property for January 6, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING SCHEDULED - HISTORIC PROPERTY - "BEAUFORT LODGE" - 61 N. LIBERTY STREET

13. Councilwoman Frank moved to schedule a public hearing relative to an ordinance designating a building and property known as "Beaufort Lodge" located at 61 N. Liberty Street in Buncombe County as Historic property for January 6, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING SCHEDULED - HISTORIC PROPERTY - "THOMAS WOLFE CABIN" - 1200 OTEEN CHURCH ROAD

14. Councilwoman Frank moved to schedule a public hearing relative to an ordinance designating a building known as the "Thomas Wolfe Cabin" located at 1200 Oteen Church Road in Buncombe County as Historic Property for January 6, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING SCHEDULED - REZONING PROPERTY - DEAVERVIEW ROAD

15. Councilwoman Frank moved to schedule a public hearing relative to rezoning Ward 6, Sheet 19, Lots 4, 4-1/2, 5-3/4, 6, 7, 7-1/4, 9, 11, 12, 81 and 90 from Commercial Service District to Light Industrial District for January 6, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

APPOINTMENT TO THE ASHEVILLE TRANSIT AUTHORITY

The City Clerk also advised that a resolution would be prepared for Council's consideration on January 6, 1983 for the reappointment of Mr. H. H. Queen as a member of the Asheville Transit Authority as previously agreed upon by members of Council.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Vice-Mayor Price, the meeting adjourned.

May 1983
MAYOR

William F. Holcomb
CITY CLERK

207

APPOINTMENT TO ASHEVILLE AREA CIVIC CENTER COMMISSION

Due to a resignation on the Asheville Area Civic Center Commission, the Mayor asked for nominations for an appointment to the Asheville Area Civic Center Commission.

Councilwoman Frank nominated Sally Pearlman as a member of the Asheville Area Civic Center Commission.

Councilwoman Bratton nominated Elaine Currie as a member of the Asheville Area Civic Center Commission.

On a vote of 4-3, Sally Pearlman was appointed as a member of the Asheville Area Civic Center Commission, with Mayor Trantham, Vice-Mayor Price, Councilwoman Frank and Councilman McDevitt voting for Sally Pearlman and Councilwoman Bratton, Councilman Pless and Councilman Myers voting "no."

The City Clerk advised that a resolution would be prepared for Council's appointment on January 6, 1983.

APPOINTMENT TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Due to a resignation on the Asheville-Buncombe Historic Resources Commission, the Mayor asked for nominations for an appointment to the Asheville-Buncombe Historic Resources Commission.

Councilman McDevitt nominated Bretney Smith.

Councilwoman Bratton nominated Ken Richards.

On a vote of 4-3, Bretney Smith was appointed as a member of the Asheville-Buncombe Historic Resources Commission, with Mayor Trantham, Vice-Mayor Price, Councilman McDevitt and Councilwoman Frank voting for Bretney Smith and Councilwoman Bratton, Councilman Pless and Councilman Myers voting "no."

The City Clerk advised that a resolution would be prepared for Council's appointment on January 6, 1983.

APPOINTMENT TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Due to the term of Mr. Charles Mills expiring on the Asheville-Buncombe Water Authority, the Mayor asked for nominations for an appointment to the Asheville-Buncombe Water Authority.

Vice-Mayor Price nominated Charles Mills.

Councilman Myers nominated John Powell.

On a vote of 4-3, John Powell was appointed as a member of the Asheville-Buncombe Water Authority, with Councilman McDevitt, Councilman Pless, Councilman Myers and Councilwoman Bratton voting for John Powell, and Mayor Trantham, Vice-Mayor Price and Councilwoman Frank voting "no."

The City Clerk advised that a resolution would be prepared for Council's appointment on January 6, 1983.

Upon inquiry of Councilmembers, Mr. Ward said approximately 50 percent of the residents in the area are opposed to the closing of this portion of Logan Avenue.

Upon inquiry of Vice-Mayor Price, Mr. Ward said as an alternative, the road could be made one-way and heavy truck usage could be restricted.

The following individuals spoke in opposition to the closing of a portion of Logan Avenue:

J. L. Lawrence	- 124 Logan Avenue
A. I. Spell	- 144 Logan Avenue
Herman McDaniel	- 58 Logan Avenue
Rex Taylor	- 130 Logan Avenue
Weaver Taylor	- 130 Logan Avenue
Williard Coffee	- 149 Logan Avenue
Elmer Davis	- 12 Logan Avenue

Upon inquiry of Councilman Pless, Mr. Ward said to fix the bank properly and eliminate the problem of the bank caving in it would cost approximately \$100,000 and rights of way would have to be obtained.

Councilman Pless said since this was a progressive condition caused by neglect that the City should look into the possibility of repairing the street.

Vice-Mayor Price also suggested an effort to correct the situation and suggested that signing be used to call attention to the hazardous condition.

Councilman McDevitt suggested that a high curb be put in the immediate area to prevent further erosion of the bank.

After discussion, Councilman McDevitt moved to continue the public hearing for thirty (30) days, without further advertisement, instructing the staff to investigate possibilities of making permanent repairs on Logan Avenue and report back to Council with recommendations. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING - DESIGNATING "ZEALANDIA" LOCATED ON VANCE GAP ROAD AS HISTORIC PROPERTY

PUBLIC HEARING - DESIGNATING "BEAUFORT LODGE" LOCATED AT 61 N. LIBERTY STREET AS HISTORIC PROPERTY

PUBLIC HEARING - DESIGNATING "THOMAS WOLFE CABIN" LOCATED AT 1200 OTEEN CHURCH ROAD AS HISTORIC PROPERTY

3. Public hearings were held relative to ordinances designating buildings and properties in Buncombe County as historic properties.

Mayor Trantham opened the public hearings at 4:47 p. m.

Verl Emrick, Director of Planning, said these properties have been reviewed pursuant to the North Carolina General Statutes to be designated as local historic sites. He said these designations would enable the property owners a deferment of fifty (50%) percent on their ad valorem taxes. He said these designations have been reviewed by the Department of Archives and History and the Historic Resources Commission.

200

Thursday - January 6, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Frank introduced Rev. Robert Douglas from Mary's Episcopal Church, who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the December 16, 1982 meeting.

Councilman Myers amended the minutes to reflect his voting "yes" on the appointment of Mr. Bretney Smith to the Asheville-Buncombe Historic Resources Commission.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the minutes of the December 16, 1982 meeting were unanimously approved as amended.

RECOGNITION OF CHARLES EMRICK - BOY SCOUT EARNING CITIZENSHIP BADGE

Mayor Trantham recognized Charles Emrick, son of Mr. Verl Emrick. Charles was attending the Asheville City Council meeting as a requirement in earning his Boy Scout Citizenship Badge.

PUBLIC HEARING - CLOSING OF A PORTION OF LOGAN AVENUE

2. A public hearing was held relative to closing a portion of Logan Avenue.

Mayor Trantham opened the public hearing at 4:14 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Larry Ward, Planning, Research and Development Director of the Public Works Department, presented a report to members of Council showing the location of the portion of Logan Avenue requested to be closed. He said the purpose of the closing was due to a high bank on the north side of Logan Avenue showing signs of cracking which could cave over into houses below the bank. He said the closing of this portion of Logan Avenue would be the cheapest way to eliminate the problem of the bank caving in on these particular houses. He said the closing of the portion of Logan Avenue would not deprive anyone in the area of ingress or egress. He said the closing would cause a little inconvenience to the residents in the area. He said this is not a major traffic area and that less than 500 cars a day use this portion of Logan Avenue.

301

ORDINANCE NO. 1339 - AN ORDINANCE DESIGNATING A BUILDING KNOWN AS THE "THOMAS WOLFE CABIN" LOCATED AT 1200 OTEEN CHURCH ROAD IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

Verl Emrick, Director of Planning, presented the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1339. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1339 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1339. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1339 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1339. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1339 passed on third and final reading.

Complete text of Ordinance No. 1339 will be found in Ordinance Book No. 9 at page 424-425.

PUBLIC HEARING - REZONING PROPERTY IN THE VICINITY OF PATTON AVENUE, DEAVERVIEW ROAD AND BEAR CREEK ROAD

ORDINANCE NO. 1340 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED

4. A public hearing was held relative to rezoning the property in the vicinity of Patton Avenue, Deaverview Road, and Bear Creek Road from Commercial Service District to Light Industrial District.

Mayor Trantham opened the public hearing at 4:59 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission met on January 6, 1983, to consider the rezoning request pending before City Council that property lying in the vicinity of Patton Avenue, Deaverview Road, and Bear Creek Road to be rezoned to Light Industrial District. After discussion the Commission voted to recommend to City Council that lots 4, 4½, 5-3/4, 6, 7, 7½, 9, 11, 12, 81, and 90, Sheet 19, Ward 6 be rezoned from R-3 Residential District and CS Commercial District to Light Industrial District. He said the reason for the rezoning is to accommodate a new industry in that area and to upgrade the existing zoning in the area. He said there was no opposition to this rezoning.

Mayor Trantham closed the public hearing at 5:05 p.m.

Verl Emrick, Director of Planning, read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1340. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1340 passed on first reading.

Mayor Trantham closed the public hearings at 4:53 p. m.

ORDINANCE NO. 1337 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "ZEALANDIA" LOCATED ON VANCE GAP ROAD AT THE SUMMIT OF BEAUCATCHER MOUNTAIN IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

Verl Emrick, Director of Planning, presented the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1337. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1337 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1337. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1337 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1337. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1337 passed on third and final reading.

Complete text of Ordinance No. 1337 will be found in Ordinance Book No. 9 at page 420-421.

ORDINANCE NO. 1338 - AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "BEAUFORT LODGE" LOCATED AT 61 N. LIBERTY STREET IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

Verl Emrick, Director of Planning, presented the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1338. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1338 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1338. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1338 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third reading of Ordinance No. 1338. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1338 passed on third and final reading.

Complete text of Ordinance No. 1338 will be found in Ordinance Book No. 9 at page 422-423.

RESOLUTION NO. 83-2 - RESOLUTION AUTHORIZING FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION RELATING TO A PROPOSED GENERAL OBLIGATION BOND ISSUE AND DESIGNATING THE AUTHORIZED REPRESENTATIVE OF THE CITY TO FILE THE APPLICATION AND TO EMPLOY BOND COUNSEL

7. Consideration was given to a resolution authorizing the filing of an application with the North Carolina Local Government Commission relating to a proposed general obligation bond issue and designating the authorized representative of the City to file the application and to employ bond counsel.

Larry Fisher, Director of Finance, said the two (2) previously adopted resolutions were not allowed because the City can not use "2/3 general obligations bond money to purchase buses or to repair the Civic Center roof. Therefore, this resolution will be for the purpose of providing funds for the construction of the Vehicle Maintenance Facility and providing funds for the replacement or rehabilitation of bridges on the Asheville City Street system.

Councilman McDevitt moved for the adoption of Resolution No. 83-2. This motion was seconded by Councilman Pless and carried unanimously.

Complete text of Resolution No. 83-2 will be found in Resolution Book No. 13 at page 401.

ORDINANCE NO. 1341 - BUDGET ORDINANCE AMENDMENT TO PROVIDE AN APPROPRIATION FOR CBD TRAFFIC STUDY

8. Mr. Bob McDonald of the Planning Department said the Asheville Urban Area Technical Coordinating Committee and the Transportation Advisory Committee have recommended that a traffic signal study be conducted for the central business district. The unified work program for 1982-83 has been approved to include \$10,000 in Section 112 planning funds to carry out this study. The Technical Coordinating Committee has recommended that the firm of Robinson-Sanderlin Associates be selected to perform this traffic signal study. He said this budget amendment will provide funding for this project.

Mr. McDonald said the firm would be reviewing 45 intersections in the downtown area and would provide information on how much existing equipment can be used and how much new equipment would be needed to provide for a new traffic signalization in the downtown area.

Upon inquiry, Mr. McDonald said the funding to make the improvements in the downtown area would hopefully be funded by federal grants.

After discussion, Councilwoman Frank moved for the adoption of Ordinance No. 1341. This motion was seconded by Vice Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1341 passed on first and final reading.

Complete text of Ordinance No. 1341 will be found in Book No. 9 at page 427.

RESOLUTION NO. 83-3 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR TRANSPORTATION PLANNING SERVICES WITH ROBINSON-SANDERLIN ASSOCIATES

9. Consideration was given to a resolution authorizing the Mayor to enter into a contract for transportation planning services with Robinson-Sanderlin Associates.

200

RESOLUTION NO. 83-1 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH ZUCHELLI, HUNTER AND ASSOCIATES, INC.

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with Zuchelli, Hunter and Associates, Inc.

The City Manager read the resolution stating that private citizens and the Buncombe County Commissioners are participating with the City Council of the City of Asheville to pay for action oriented development projects in downtown Asheville. This resolution will authorize the Mayor to sign an agreement with Zuchelli, Hunter and Associates, Inc. for services to be rendered in conjunction with the development projects agreement.

Wayne Caldwell, a member of the Asheville Downtown Commission, spoke in favor of the adoption of the resolution.

Mr. David Brown, President of the Lexington Park Association, questioned whether or not the private sector had already deposited their \$40,000 to be contributed to the project.

Mr. Lewis W. Green, Publisher of a monthly newspaper, also questioned the private sector putting up their \$40,000.

Ralph Bishop also spoke in opposition to the resolution.

After discussion, Councilwoman Frank moved for the adoption of Resolution No. 83-1. This motion was seconded by Vice Mayor Price and carried unanimously.

Complete text of Resolution No. 83-1 will be found in Resolution Book No. 13 at Page 400.

CONTINUATION OF A PUBLIC HEARING - DEMOLITION AND REMOVAL - 230 CUMBERLAND AVENUE

6. A public hearing was continued to relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Cumberland Avenue.

Mayor Trantham stated that this public hearing was continued from the October 28, 1982 meeting at which time a motion was made to continue the public hearing for 60 days without further advertisement, provided the owner of 230 Cumberland Avenue consents to the Inspections Division having the electrical service pulled from the dwelling and the owner putting in a temporary construction line and provided further that the owner complete all necessary electrical work within the 60 days.

Mr. J. E. Johnson, Director of Inspections, said he had inspected 230 Cumberland Avenue today and found that the electrical power on the premises had been pulled. However, no temporary service had been provided for.

Mr. William McCannless, owner of 230 Cumberland Avenue, said he had a contract with Fairview Electric Company to restore the electrical service at 230 Cumberland Avenue. However, Fairview Electric Company has not provided this service as of this date. He requested a continuation of the public hearing.

After discussion, Councilman Pless moved to continue the public hearing for two weeks stating that he would make a personal inspection of 230 Cumberland Avenue to make sure a temporary electrical hook up is made. He said he would make the report to Council in two weeks. This motion was seconded by Councilwoman Bratton and carried unanimously.

13. Consideration was given to a resolution appointing a member to the Asheville-Buncombe Water Authority.

The City Manager read the resolution stating that this would appoint Mr. John A. Powell as a member of the Asheville-Buncombe Water Authority.

Councilman Larry McDevitt made the following statement relative to the appointment of Mr. John A. Powell on the Authority.

"Last spring the Water Authority recommended to the City Council that a new transmission line between North Fork and Bee Tree Reservoirs be built, and that this be funded partially by a twenty percent (20%) increase in water rates. I disagreed then, and now, with these policies on the following grounds: (1) I believe that we should proceed immediately to develop a new water source that addresses our long range water problems; and, (2) I believe that even if the transmission line is to be built, the rate increase was unfair in these economic times, was unnecessary since funds could be achieved through administrative economies, and would seriously jeopardize our chances of gaining the public support necessary for the bond issue still needed to solve our long range water problems. I was the only Member of City Council to vote against approval of these policies. Mr. Mills is a fine person and has served the Authority well. However, since he supported those policies, I concluded that having another point of view represented on the Authority would be in the public interest. For that reason and that reason alone, I voted for a change in the City's representation on the Authority.

"Despite these policy difference, I support the work and effort of the fine citizens which are serving, and have served, on the Authority, and I thank them for their efforts on behalf of our community."

Councilwoman Frank stated that she had voted for Charles Mills as a member of the Authority at the December 16, 1982 meeting; however, to follow Council majority she would vote for Mr. John Powell at today's meeting.

Mayor Trantham said that he partially agreed with Councilman McDevitt's statement. However, the complete Water Authority took action on the water rates and Council should not hold that against one member of the Authority.

Councilman Myers said before the controversy surrounding the Water Authority appointment was more imagined than real, that split votes were the epitome of what the democratic process was all about. He said close council votes should not be viewed as dissension or a split, but as representation for all the people of the City.

Councilman Pless moved for the adoption of Resolution No. 83-7. This motion was seconded by Councilwoman Bratton and carried on a voice vote of 5-2, with Mayor Trantham and Vice Mayor Price voting "No."

Complete text of Resolution No. 83-7 will be found in Resolution Book No. 13 at page 408.

SUPPORT REQUESTED FOR THE HILLCREST ENRICHMENT CENTER TO ATTEND CELEBRATION IN ATLANTA

Councilwoman Bratton told members of Council that the Hillcrest Enrichment Center has been invited to a celebration for the late Dr. Martin Luther King on January 9-15 in Atlanta. She said that the Hillcrest Team would be going at their own expense and they are requesting donations from the private sector to attend the celebration.

PUBLIC HEARING SCHEDULED - UDAG APPLICATION FOR MAGNETICS INTERNATIONAL, INC.

Becky Williams, Director of Economic Development, said the Magnetics International, Inc. is proposing to expend up to \$7,800,000 to acquire and equip a manufacturing

305

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Vice Mayor Price, Resolution No. 82-3 was unanimously adopted.

Complete text of Resolution No. 83-3 will be found in Resolution Book No. 13 at page 404.

RESOLUTION NO. 83-4 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

10. Consideration was given to a resolution appointing a member to the Asheville Transit Authority.

The City Manager read the resolution stating that this will reappoint Mr. H. H. Queen as a member of the Authority.

Upon motion of Councilwoman Frank, seconded by Vice Mayor Price, Resolution No. 83-4 was unanimously adopted.

Complete text of Resolution No. 83-4 will be found in Resolution Book No. 13 at page 405.

RESOLUTION NO. 83-5 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE AREA CIVIC CENTER COMMISSION

11. Consideration was given to a resolution appointing a member to the Asheville Area Civic Center Commission.

The City Manager read the resolution stating that this will appoint Mrs. Sally Pearlman as a member of the Asheville Area Civic Center Commission.

Councilman McDevitt noted that this action was taken at the December 16, 1982 meeting and he did not feel that a resolution was necessary. However, it was noted that the resolutions appointing the individual is a formality.

Upon motion of Councilwoman Frank, seconded by Vice Mayor Price, Resolution No. 83-5 was unanimously adopted.

Complete text of Resolution No. 83-5 will be found in Resolution Book No. 13 at page 406.

RESOLUTION NO. 83-6 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

12. Consideration was given to a resolution appointing a member to the Asheville-Buncombe Historic Resources Commission.

The City Manager read the resolution stating that this will appoint Mr. Bretney Smith as a member of the Asheville-Buncombe Historic Resources Commission.

Upon motion of Councilman McDevitt, seconded by Vice Mayor Price, Resolution No. 83-6 was unanimously adopted.

Complete text of Resolution No. 83-6 will be found in Resolution Book No. 13 at page 407.

RESOLUTION NO. 83-7 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE-BUNCOMBE WATER AUTHORITY

Tuesday - January 11, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilman Joe Pless, and Councilman Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr. Note- Mayor Trantham was late arriving for the meeting.

Absent: Councilman Gordon Myers

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 6, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, the minutes of the January 6, 1983 meeting were approved as submitted.

ORDINANCE NO. 1340 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Rezoning property in the vicinity of Patton Avenue, Deaverview Road, and Bear Creek Road from Commercial Service District to Light Industrial District)

2. Consideration was given to the second reading of Ordinance No. 1340, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, rezoning property in the vicinity of Patton Avenue, Deaverview Road, and Bear Creek Road from Commercial Service District to Light Industrial District.

Vice-Mayor Price said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1340 passed on second reading.

Councilman McDevitt moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1340. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1340 passed on third and final reading.

Complete text of Ordinance No. 1340 will be found in Ordinance Book No. 9 at page 426.

Mayor Trantham arrived at the Council meeting at 4:10 p. m. However, Vice-Mayor Price continued to chair the meeting.

plant at 9 North Bear Creek Road. She said initial hiring for the new plant will be about 30 new jobs. She said Magnetics International has expanded into the Barnardsville area and has used Industrial Revenue Bonds to establish the plant. She said North Carolina law does not permit them to use Industrial Revenue Bonds for the next two years. Therefore, they are requesting the assistance from the City in applying for UDAG funds. She said a public hearing is necessary for the City to apply for the UDAG funds for the Magnetics International, Inc. company.

Vice Mayor Price moved to schedule public hearings on January 20, 1983 and January 27, 1983 relative to application for UDAG funding. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 83-8 - RESOLUTION SUPPORTING THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE'S SCHOOL OF ENGINEERING

Consideration was given to a resolution supporting the University of North Carolina at Asheville's School of Engineering.

The City Manager read the resolution.

Upon motion of Councilwoman Bratton, seconded by Councilman Myers, Resolution No. 83-8 was unanimously adopted.

Complete text of Resolution No. 83-8 will be found in Resolution Book No. 13 at page 409.

RESCHEDULING COUNCIL MEETING OF JANUARY 13, 1983

Councilman Pless moved that the regular meeting of Asheville City Council be held on Tuesday, January 11, 1983, at 4:00 p.m. This motion was seconded by Vice Mayor Price and carried unanimously.

CLAIMS - RENEE ELLIS, KENNETH YOUNG & U.S. GOVERNMENT, WALLACE MATTHEWS, ANSON JOHNSON

Mayor Trantham referred the claims to Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES IN THE CITY

Ralph Bishop again made comments to members of Council relative to the lottery sales in the City.

ADJOURNMENT

Upon motion, the meeting adjourned at 7:10 p.m.


MAYOR


CITY CLERK

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR DRAINAGE IMPROVEMENTS AT BILTMORE AVENUE AND VICTORIA ROAD
PROJECT NO. 9.8130264

6. Consideration was given to a resolution authorizing the Mayor to execute a Municipal Agreement between the North Carolina Department of Transportation and the City of Asheville for drainage improvements at Biltmore Avenue and Victoria Road, Project No. 9.8130264.

After discussion, this item was deleted from consideration to be scheduled at a later date.

ORDINANCE NO. 1343 - A BUDGET ORDINANCE AMENDMENT TO ESTABLISH A PROJECT KNOWN AS ASHEVILLE AIRPORT 8-INCH SEWER LINE

7. Consideration was given to a budget ordinance amendment to establish a project known as Asheville Airport 8-Inch Sewer Line.

The City Manager read the ordinance which stated that this budget amendment in the amount of \$25,000 is to establish a project known as Asheville Airport 8-Inch Sewer Line to be used as matching funds for ARC Grant.

Councilman McDevitt moved for the adoption of Ordinance No. 1343. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1343 passed on first and final reading.

Complete text of Ordinance No. 1343 will be found in Ordinance Book No. 9 at page 429.

RESOLUTION NO. 83-10 - RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENTS NECESSARY FOR THE CONSTRUCTION OF A SANITARY SEWER ON AIRPORT ROAD

8. Consideration was given to a resolution authorizing Mayor to sign agreements necessary for the construction of a sanitary sewer on Airport Road.

The City Manager read the resolution which stated that the City of Asheville, in cooperation with the Asheville Regional Airport, WNC Agricultural Center, proposed Holiday Inn, known as Airport Associates, Inc. and other commercial sites is in the planning process for the construction of a sanitary sewer on Airport Road in order to service these facilities. These facilities have agreed to participate in the financing of this sewer line and agreements for the specific funding for each individual party are being prepared. This resolution will authorize the Mayor to sign the agreements necessary for the construction of the sanitary sewer on Airport Road.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-10 was unanimously adopted.

Complete text of Resolution No. 83-10 will be found in Resolution Book No. 13 at page 411.

PRESENTATION BY GROUP OF RETIRED POLICE OFFICERS

3. Mr. Garland Wible appeared before Council on behalf of the retired police officers and widows of retired police officers. He again requested that Council consider a pension increase for these individuals due to the high cost of living.

Councilman Pless told the group of police officers that the Fringe Benefits Committee is presently working on something for the retired police officers.

Mr. Don Maney, retired police officer, asked that the request be clarified that the officers are requesting an annual cost of living increase rather than an increase in pension.

ORDINANCE NO. 1342 - BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR TRUCKWAY DRAINAGE IMPROVEMENT PROJECT

4. Consideration was given to a budget ordinance amendment to provide funding for Truckway Drainage Improvement Project.

The City Manager read the ordinance stating that the budget amendment in the amount of \$48,000 is to provide funding for the Truckway Drainage Improvement Project.

Councilwoman Frank moved for the adoption of Ordinance No. 1342. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1342 passed on first and final reading.

Complete text of Ordinance No. 1342 will be found in Ordinance Book No. 9 at page 428.

RESOLUTION NO. 83-9 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH DILLINGHAM CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS TRUCKWAY DRAINAGE IMPROVEMENTS

5. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville a contract with Dillingham Construction Company, Inc. for the project known as Truckway Drainage Improvements.

The City Manager read the resolution which stated that on January 4, 1983 bids were opened on the Truckway Drainage Improvements Project. Dillingham Construction Company was the apparent low bidder for this contract in the amount of \$41,537.00. Recommendation of acceptance of Dillingham Construction Company for this project.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 83-9 was unanimously adopted.

Complete text of Resolution No. 83-9 will be found in Resolution Book No. 13 at page 410.

RALPH BISHOP - COMMENTS RELATIVE TO DOWNTOWN REVITALIZATION STUDY

Ralph Bishop made comments to members of Council opposing a downtown revitalization study.

PROPOSAL FROM THE MONTFORD HISTORIC DISTRICT

The City Manager announced that a proposal had been received from the Montford Historic District relative to the Historic Resources Commission of Asheville and Buncombe County. He suggested that the proposal be forwarded to the Planning Committee.

ADJOURNMENT

Upon motion of Councilwoman Bratton, seconded by Councilman McDevitt, the meeting adjourned at 5:10 p. m.

John W. Scarborough
MAYOR

William J. MacCalla
CITY CLERK

211

CLAIMS - JANIE MORROW (WATER & SEWER) - JOHN MAPLES (WATER & SEWER)

The City Manager presented claims received from Janie Morrow and John Maples.

Vice-Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

SCHEDULING OF PUBLIC HEARING - REZONING PROPERTY ON WHITE PINE DRIVE - REQUEST OF DURWARD JOHNSON

Councilman Pless moved to schedule a public hearing relative to rezoning Ward 8, Sheet 10, Lots 57 and 52 on White Pine Drive from R-3 Medium Density Residential District to CH Commercial Highway District at the request of Mr. Durward Johnson for February 3, 1983. This motion was seconded by Councilwoman Frank and carried unanimously.

SCHEDULING OF PUBLIC HEARING - REZONING PROPERTY ON NEW PINE STREET IN THE EAST END/VALLEY STREET PROJECT - WARD 1, SHEET 2, PORTIONS OF LOTS 61 AND 62

Councilman McDevitt moved to schedule a public hearing relative to rezoning Ward 1, Sheet 2, Portions of Lots 61 and 62 from R-3 Residential District to CS Commercial Service District at the request of the Housing Authority of the City of Asheville for February 3, 1983. This motion was seconded by Councilman Pless and carried unanimously.

NATIONAL CERTIFICATE OF MERIT AWARD TO THE CITY OF ASHEVILLE AND HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR SPONSORING "DOLLAR LOT PROGRAM"

The City Manager announced that the City of Asheville, Community Development Department and the Housing Authority of the City of Asheville received a "National Certificate of Merit" Award from the U. S. Department of Housing and Urban Development for sponsoring the "Dollar Lot Program." He said this award is significant due to very few cities obtaining such an award.

Councilwoman Bratton requested that an appropriate letter of commendation be sent to all parties involved in obtaining this national award.

COUNCILWOMAN FRANK - REQUEST OF PLANNING AND ZONING COMMISSION TO REVIEW "MOUNTAINSIDE ZONING" - "GRANNY APARTMENTS" - "VIDEO ARCADES"

Councilwoman Frank requested that the Planning and Zoning Commission review and present recommendations to Council on "Mountainside Zoning," "Granny Apartments," and "Video Arcades."

COUNCILWOMAN FRANK - REQUEST THAT INFORMATION ON TAX INCREMENT FINANCING BE SENT TO LEGISLATORS

Councilwoman Frank requested that a copy of David Lawrence's opinion on Tax Increment Financing be sent to all the delegates of the N. C. General Assembly.

MINUTE OF MEETING - OCTOBER 12, 1982 - PAGE TWO

remain for the future development of a recreational program. Mayor Trantham stated that he felt that there was a need for a definite understanding as to what should be included. Councilman Pless said if the City planned to run a recreational program, the scoreboard and lighting system should remain. This concluded the discussion without a final decision.

With reference to the proposed joint resolution, Councilman McDevitt suggested that since two members of the Council were not present; Council should defer action on the resolution until the other members had a chance to review it.

Chairman Ratcliff said that all the Commissioners were present and were prepared to vote on it at this time. He then asked for a motion for the approval of the resolution. Commissioner Giezentanner so moved, which motion was seconded by Commissioner Ledbetter and carried unanimously.

The second item on the agenda was a report on a proposed city/county telephone system. Richard Kendrick, City of Asheville Management Analyst, said the complete study would be complete in about thirty (30) days.

Upon inquiry of Councilman McDevitt, Mr. Jacklin, County Purchasing Agent, said inclusion of state offices had been considered in the study but it was determined that it would be very expensive. Councilman McDevitt said he felt, for the convenience of the public, some type of tie-in with state offices should be investigated.

Commissioner Riddle said consideration should also be given to an emergency system.

There being no further business to come before the joint city/county meeting, the meeting adjourned.

Minutes recorded by William F. Wolcott, Jr., Associate City Manager/City Clerk to the City Council of the City of Asheville

MINUTES OF THE JOINT MEETING BETWEEN THE ASHEVILLE CITY COUNCIL AND THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE HELD TUESDAY, OCTOBER 12, 1982
AT 3:00 P. M.

A joint meeting between the Asheville City Council and the Board of Commissioners for Buncombe County was held on Tuesday, October 12, 1982 at 3:00 p. m. in the Council Chambers, Asheville City Hall, Asheville, North Carolina.

Those present were: Mayor Roy M. Trantham; City Council members Larry McDevitt, Mary Lloyd Frank, and Joe Pless; Ken Michalove, Asheville City Manager, William F. Wolcott, Jr., Asheville Associate City Manager/City Clerk; R. Curtis Ratcliff, Chairman, Buncombe County Board of Commissioners; Commissioners Doris Giezantanner, J. D. Jackson, Jesse Ledbetter and Robert Riddle; W. F. Taylor, County Director of Finance; Keith Snyder, County Attorney; C. W. Tessier; J. Richard Kendrick and Wayne Jacklin.

Mayor Trantham called the meeting to order and asked Chairman Ratcliff to comment on the first item on the agenda, the disposition of Memorial Stadium. Chairman Ratcliff said that the Commissioners had discussed the subject at length and were aware of the provisions of the Water Authority Agreement stipulating the future transfer of this property to the County. However, he said that since the Asheville High School was in the process of developing a stadium complex on their own campus, a project the County has agreed to fund, a majority of the Commissioners felt that there was very little use in maintaining another similar facility. Under the circumstances they were prepared to amend the Water Agreement to delete the transfer of Memorial Stadium. He said that Keith Snyder, County Attorney, had prepared a joint City/County resolution to this effect and he asked Mr. Snyder to present the resolution.

In the discussion that followed there was concern that the resolution did not reflect the exact limits of the property to be deleted. Further, it did not spell out the materials to be salvaged for use at the high school and those that would

Joint meeting - Asheville City Council/Buncombe County Commissioners
Tuesday, January 11, 1983
Page Two

Mayor Trantham acknowledged receipt of a letter from Chairman Ratcliff outlining the details of the proposed "tipping fees" as it pertains to the City of Asheville. (Copy of letter dated 12-23-82 attached)

Mike Hawks of the Buncombe County Planning Department and a member of the Landfill Advisory Committee, reviewed the "tipping fee" schedule and explained the accounting system for collection of the fees. He answered questions from members of the City Council relative to the charges proposed for the City of Asheville's use at the landfills.

A discussion, initiated by Mayor Trantham and City Attorney William C. Moore, was held relative to the legality of the County of Buncombe imposing a disposal fee upon the City of Asheville. City Attorney Moore said it was his understanding that according to the North Carolina General Statutes the County can not legally impose such a fee upon the City because ad valorem tax money was used to purchase the landfill property, construct the facility, and to operate the facility.

After several opinions were rendered it was the consensus of Council and the Commissioners that a legal opinion be obtained from the North Carolina Attorney General, the North Carolina League of Municipalities, and the Institute of Government.

Chuck Tessier, Buncombe County Planner, said the user fees are proposed to put the solid waste disposal operation on a "self-sufficient basis."

Councilwoman Frank, as a member of the Buncombe County Energy Committee, suggested that the City Council and Buncombe County Commissioners look into a reclamation plant or a workable resource recovery system for solid waste in the City and County.

Upon inquiry of Councilman McDevitt, the County Commissioners said they would be willing to review "supportable data" from the City on negotiating the "tipping fees" against city/county facilities that have assets for both.

The final decision of the governing boards was to instruct the City and County attorneys to obtain a legal opinion on the charging of "tipping fees" and to look at the future of solid waste in the City and County.

SCHEDULING OF REGULAR CITY COUNCIL/COUNTY COMMISSIONERS MEETINGS

A discussion was held relative to scheduling regular City Council/County Commissioners joint meetings.

MINUTES OF THE JOINT MEETING BETWEEN THE ASHEVILLE CITY COUNCIL AND THE
BUNCOMBE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE HELD
TUESDAY, JANUARY 11, 1983 - 2:00 P. M.

A joint meeting between the Asheville City Council and the Board of Commissioners for Buncombe County was held on Tuesday, January 11, 1983 at 2:00 p. m. in the Council Chambers, Asheville, North Carolina.

The meeting was called to order by Mayor Trantham.

The following members were present:

Roy M. Trantham, Mayor of the City of Asheville
Norma T. Price, Vice-Mayor of the City of Asheville
Mary Lloyd Frank, Councilwoman
Larry McDevitt, Councilman
R. Curtis Ratcliff, Chairman, Buncombe County Commissioners
Doris P. Giezantanner, Vice-Chairman, Buncombe County
Jesse I. Ledbetter, Commissioner
J. D. Jackson, Commissioner
Robert E. Riddle, Commissioner

Absent: Councilwoman Wilhelmina Bratton, Councilman Joe Pless,
and Councilman Gordon Myers

Also present: William C. Moore, Corporation Counsel, City of
Asheville

K. M. Michalove, City Manager
Clark Brown, Director of Public Works, City
Larry Ward, Public Works Department, City
Charlotte Hutchison, Research Analyst, City
Chuck Tessier, County Planner
Mike Hawks, County Planning
W. P. Taylor, County Director of Finance
Carol Hensley, Deputy City Clerk

News Media present: John Campbell
Steve Rhody
Paul Masquelier

Citizens: Ralph Bishop

DISCUSSION OF "TIPPING FEES" PROPOSED BY BUNCOMBE COUNTY COMMISSIONERS

Chairman Ratcliff said in adopting the Fiscal 1982-83 County Budget, the Commissioners announced their intention to adopt a user fee plan to finance solid waste disposal in Buncombe County in order to replace the use of ad valorem taxes to finance the program. He said on December 21, 1982, the Commissioners adopted a resolution implementing "tipping fees" for Solid Waste Disposal. (Copy of resolution attached)

RESOLUTION # _____

RESOLUTION IMPLEMENTING TIPPING FEES FOR SOLID WASTE DISPOSAL

WHEREAS, Pursuant to North Carolina General Statutes section 153a-292, a county may impose fees for the use of its disposal facilities; and

WHEREAS, this Board desires to discontinue using general revenues to finance its solid waste facilities; and

WHEREAS, this Board has developed a plan for financing its solid waste disposal facilities; and

WHEREAS, this Board desires to impose user fees at its landfill and transfer station sufficient to defray the cost of operating said facilities.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That user fees be charged for the disposal of solid waste at the county landfill and transfer station.
2. That the fee for disposal at said facilities shall be at the following rates:

Automobiles	\$.50 flat rate
Pickups & automobiles with trailers	\$1.50 flat rate
Uncompacted waste (pickups with built up sides will be charged under this classification)	\$.75 per cu. yd.
Compacted waste vehicle capacity 0-20 cu. yds.	\$1.50 per cu. yd.
Vehicle capacity 21 cu. yds. & over	\$2.10 per cu. yd.
Rolloff containers-uncompacted waste	\$.65 per cu. yd.
Compact waste	\$1.50 per cu. yd.

3. That these fees shall be effective on the 1st day of February, 1983.

Adopted this _____ day of February, 1983.

Read and approved on first reading this the 21st day of December, 1982 by a vote of _____ for and _____ against.

ATTEST:

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Frances Brockway, Clerk to the Board

By: _____
Chairman

APPROVED AS TO FORM:

Keith Snyder, County Attorney

Joint meeting - Asheville City Council/Buncombe County Commissioners
Tuesday, January 11, 1983
Page Three

It was the consensus that a joint meeting of the City Council/County Commissioners would be held every other month on the second or fourth Tuesday of the month. However, if the need arises between regularly scheduled meetings a called meeting of the boards could be held.

Commissioner Riddle suggested that the City Council and County Commissioners compose a list of issues that cover both boundaries that need to be mutually discussed for long range plans for the City and County. He also suggested that these issues be prioritized.

Chairman Ratcliff announced that a Budget Advisory Committee meeting is scheduled for 3:00 p. m. today at the Court House. He said all towns within Buncombe County have been invited to attend.

There being no further business to come before the joint city/county meeting, the meeting adjourned.

William F. Melcott
CITY CLERK, CITY OF ASHEVILLE

James H. Harrison
MAYOR, CITY OF ASHEVILLE

Thursday - January 20, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Larry McDevitt, and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Nichalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

Councilwoman Bratton introduced Rev. Carle Brown who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the January 11, 1983 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, the minutes of the January 11, 1983 meeting were approved as submitted.

RESOLUTION NO. 83-11 - RESOLUTION OF APPRECIATION TO COMPANY COMMANDER GLENN W. SAMS

2. Consideration was given to a resolution of appreciation to Company Commander Glenn W. Sams.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 83-11 was unanimously adopted.

Complete text of Resolution No. 83-11 will be found in Resolution Book No. 13 at page 412.

PUBLIC HEARING - UDAG APPLICATION - MAGNETICS INTERNATIONAL, INC.

3. A public hearing was held relative to a UDAG Application for Magnetics International, Inc.

Mayor Trantham opened the public hearing at 4:12 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Becky Williams, Economic Development Director, said this public hearing is to receive public comments on a UDAG application to assist Magnetics International, Inc. She said Magnetics International, Inc. has requested the City of Asheville's assistance in applying for UDAG funds to acquire and equip a manufacturing plant at 9 North Bear Creek Road.



Buncombe County Board of Commissioners

P.O. BOX 7435
ASHEVILLE, N.C. 28807

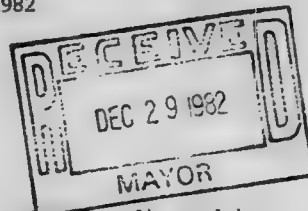
R. Curtis Ratcliff, Chairman

Commissioners

Doris P. Giezentanner
J.D. Jackson
Jesse I. Ledbetter
Robert E. Riddle

December 23, 1982

Mayor Roy Trantham
City Hall
Asheville, N.C. 28807



Dear Mayor Trantham:

During the past several years the cost of solid waste disposal has risen substantially. Accordingly, the Board of Commissioners in adopting the Fiscal Year 1982-1983 budget announced their intention to adopt a user fee plan to finance solid waste disposal in Buncombe County. The Board has now adopted a user fee plan to replace the use of ad valorem taxes to finance this program. The user fee plan which will become effective February 1, 1983 will cover both operating and capital costs for the solid waste disposal and landfill program. Enclosed herewith as attachment #1 you will find a copy of the fee schedule which has been approved by the Board of Commissioners.

In order to dispose of the city's waste at the landfill or transfer station after January 31, 1983, you must pay cash or establish a credit account. You can establish a credit account by filling in the forms provided in attachment #2 of this letter and returning them by January 10, 1983 to Mr. William F. Taylor, Director of Finance for Buncombe County. Mr. Taylor's address is on the bottom of the credit form. The County's billing process for credit customers will operate as follows:

1. All accounts will be totaled on the 26th of every month.
2. On the first of every month a billing statement will be mailed to you indicating the status of your account.
3. Payment of your account will be due before or on the 25th of the month.

To explain this program in more detail and answer questions, I have asked Michael Hawks of the Buncombe County Planning Department to schedule a meeting for Tuesday, January 11, 1983 at 3:00 P.M. in the Commissioners Chambers, 2nd floor of the County Courthouse. Should you have any more questions before this meeting concerning the tipping fee program, please call Mr. Hawks at 255-5777.

Sincerely,

R. Curtis Ratcliff
R. Curtis Ratcliff
Chairman

SALE OF DISPOSAL PARCEL 3 - CIVIC REDEVELOPMENT PROJECT

6. Consideration was given to a motion approving the sale of Disposal Parcel 3 in the Civic Redevelopment Project.

The City Manager said the Housing Authority has tentatively accepted a bid in the amount of \$75,100 for Disposal Parcel 3 in the Civic Redevelopment Project from Beverly-Grant, Inc. Beverly-Grant, Inc. proposes to construct a two story, 6,000 square foot office building at an estimated cost of \$360,000.

Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville, said this property is located on College and Pine Street. He said the property was originally purchased by Western Carolina Bank and Trust Company. He said at the time of the sale of the property to Western Carolina Bank and Trust Company conditions were imposed on the Bank to construct an office building consisting of 5,000 square feet at a cost of \$750,000 by February, 1980. He said in April, 1980 First National Bank of Catawba purchased the property and assumed the restrictions. He said in November, 1981, First Union National Bank purchased the property and assumed the restrictions. However, it was determined that they could not meet the restrictions because they could not own investment property. Therefore, the Housing Authority purchased the parcel for the purchase price of \$40,500 paid by Western Carolina Bank and Trust Company. The property was then reappraised and put on the market and a bid was received in the amount of \$75,100. He said the proceeds from the sale of the lot would go to Community Development Block Grant Activities.

Upon inquiry of Councilman Myers, Mr. Holt said the purchase would be closed on or before January, 1984. The property was appraised in 1977 for \$35,000 and for \$75,000 in 1982.

Councilwoman Frank moved to approve the sale of Disposal Parcel 3 in the Civic Redevelopment Project to Beverly-Grant, Inc in the amount of \$75,100. This motion was seconded by Vice-Mayor Price and carried unanimously.

RESOLUTION NO. 83-12 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL MUNICIPAL AGREEMENT FOR TRAFFIC CONTROL DEVICES UNDER PROJECT 8.2017501 KNOWN AS THE VALLEY STREET PROJECT

7. Consideration was given to a resolution authorizing the Mayor to execute a supplemental Municipal Agreement for traffic control devices under Project 8.2017501 known as the Valley Street Project.

The City Manager read the resolution which stated that the North Carolina Department of Transportation and the City of Asheville entered into a Municipal Agreement on December 2, 1982 for the construction on Valley Street from Biltmore Avenue to Poplar Street. The North Carolina Department of Transportation and the City of Asheville wish to amend the Agreement to delete the traffic signal at the intersection of Beaumont Street and Valley Street.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 83-12 was unanimously adopted.

Complete text of Resolution No. 83-12 will be found in Resolution Book No. 13 at page 413.

Don Whiteman, Executive Vice-President of Magnetics International, Inc., said his company manufactures industrial goods and opened a plant three (3) years ago in Barnardsville and they are interested in opening a plant in Asheville. He said within one (1) year they would have 90 employees and within three (3) years they propose to have 140 employees. He said they need help from the City of Asheville due to the competitive market at the present.

Becky Williams said a final public hearing on the UDAG application will be held at the Council meeting on January 27, 1983. She said she felt this action is in the best interest of the City of Asheville and the project applicant.

Mayor Trantham closed the public hearing at 4:15 p. m.

CONTINUATION OF PUBLIC HEARING - DEMOLITION AND REMOVAL OF 230 CUMBERLAND AVENUE

4. A public hearing relative to the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 230 Cumberland Avenue continued.

Councilman Pless reported to Council that a temporary construction line was installed at 230 Cumberland Avenue today. He said Carolina Power and Light Company has been called to turn the power on to the temporary line.

Councilman Pless moved to continue the public hearing instructing that Mr. J. E. Johnson, Director of Inspections, give a progress report to Council, during a pre-Council meeting, every 6-8 weeks on the progress being made at 230 Cumberland Avenue. He said if Council felt no progress was being made, the continuation of the public hearing could be placed on the agenda at that time. This motion was seconded by Vice-Mayor Price and carried unanimously.

ORDINANCE NO. 1344 - BUDGET ORDINANCE AMENDMENT TO CLOSE-OUT COMPLETED COMMUNITY DEVELOPMENT PROJECTS AND PROVIDE FUNDS FOR COMMUNITY DEVELOPMENT CONTINUING PROJECTS

5. Consideration was given to a budget ordinance amendment to close-out completed CD projects and provide funds for CD continuing projects.

The City Manager read the ordinance stating that this budget amendment will close-out completed Community Development projects and reallocate funds for Community Development continuing projects.

Councilwoman Bratton moved for the adoption of Ordinance No. 1344. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1344 passed on first and final reading.

Complete text of Ordinance No. 1344 will be found in Ordinance Book No. 9 at page 430.

PUBLIC RECOGNITION TO LOGAN DELANY, COMMUNITY DEVELOPMENT DEPARTMENT

Councilwoman Bratton publically commended Mr. Logan Delany and the Community Development Department for their efforts in obtaining the "National Certificate of Merit Award" from the U. S. Department of Housing and Urban Development for sponsoring the "Dollar-A-Lot Program."

RESOLUTION NO. 83-15 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PIEDMONT PAPER COMPANY FOR DISPOSAL OF USED TIRES

10. Consideration was given to a resolution authorizing the Mayor to execute an agreement with Piedmont Paper Company for disposal of used tires.

The City Manager read the resolution which stated that Piedmont Paper Company has approximately 3,000 used tires stored at 85 Thompson Street which they have been unable to locate any private firm to dispose of the used tires. Piedmont Paper Company agrees to pay the City their cost for removing the tires and the Sanitation Division is equipped to carry out the work required to dispose of the used tires. This work will be scheduled in such a manner as not to interfere with the regular operations and duties of the Sanitation Division. This resolution will authorize the Mayor to execute an agreement with Piedmont Paper Company for removal and disposal of the used tires.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 83-15 was unanimously adopted.

Complete text of Resolution No. 83-15 will be found in Resolution Book No. 13 at page 416.

RESOLUTION NO. 83-16 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PARKING AGREEMENT WITH MT. ZION CHURCH

11. Consideration was given to a resolution authorizing the Mayor to execute a parking agreement with Mt. Zion Church.

The City Manager read the resolution which stated that Mt. Zion Church has requested permission to use a portion of the Eagle Street Parking Lot as church parking on Sundays. The portion of lot requested to be used by Mt. Zion Church is not used by the City on Sunday. This resolution will authorize the Mayor to execute a Letter of Agreement with Mt. Zion Church allowing the use of a portion of the Eagle Street parking lots on Sundays.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-16 was unanimously adopted.

Complete text of Resolution No. 83-16 will be found in Resolution Book No. 13 at page 417.

RESOLUTION NO. 83-17 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT FOR THE ADMINISTRATION OF A 501 (c)(9) TRUST

12. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement for the administration of a 501(c)(9) Trust.

The City Manager read the resolution which stated the City of Asheville is required by law to establish a trust in connection with the City's self insured group health hospitalization and medical insurance program.

RESOLUTION NO. 83-13 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH COR ENTERPRISES II, A NORTH CAROLINA GENERAL PARTNERSHIP, CONCERNING THE RELOCATION OF AN EIGHT INCH SEWER PIPELINE

8. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way agreement with Cor Enterprises II, a North Carolina General Partnership, concerning the relocation of an eight inch sewer pipeline.

The City Manager read the resolution which stated that Cor Enterprises II is going to construct an office building on a parcel of land at the intersection of McDowell Street and Choctaw Street. The northern portion of this property has an existing eight (8) inch sewer line running east to west. It is necessary for the aforementioned company to move this existing sewer line to a new location in order for them to construct their proposed building. Cor Enterprises II is willing to relocate this existing sewer line, at their expense, and is willing to provide for this sewer line a ten (10) foot easement.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-13 was unanimously adopted.

Complete text of Resolution No. 83-13 will be found in Resolution Book No. 13 at page 414.

RESOLUTION NO. 83-14 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ASSENT TO ASSIGNMENT OF THE LEASE FOR PROFESSIONAL BASEBALL AT McCORMICK FIELD

9. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to assent to assignment of the lease for professional baseball at McCormick Field.

The City Manager read the resolution stating that this resolution will authorize the Mayor to execute on behalf of the City of Asheville an agreement to assign the lease for professional baseball at McCormick Field. The current contract, between the City and Tourists Baseball, Inc., executed on March 1, 1979, will be transferred and assigned to Asheville Tourists Baseball Club, Inc. if this resolution is approved.

Upon inquiry of Councilman McDevitt, Ray Kisiah, Director of Parks and Recreation, said the current contract expires on September 30, 1984. He said the assignment does not have new terms. He said they are aware that under the Water Agreement the McCormick Field will be taken over by the County of Buncombe on July 1, 1984.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-14 was unanimously adopted.

Complete text of Resolution No. 83-14 will be found in Resolution Book No. 13 at page 415.

RALPH BISHOP - COMMENTS RELATIVE TO OBTAINING CITY PENSION RECORDS AND COMMENTS RELATIVE TO THE CITY MANAGER

Ralph Bishop handed the City Manager a letter which he said requested police pension records relative to former Police Chief J. C. Hall. He also made comments condemning the manner in which the City was managed.

ADJOURNMENT

Vice-Mayor Price moved to adjourn the meeting to meet again on January 27, 1983 at 4:00 p. m. in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman McDevitt and carried unanimously.

Ray M. Lamm
MAYOR

William F. Mellett
CITY CLERK

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-17 was unanimously adopted.

Complete text of Resolution No. 83-17 will be found in Resolution Book No. 13 at page 418.

RESOLUTION NO. 83-18 - RESOLUTION APPROVING THE APPOINTMENT OF SMITH MOORE SMITH SCHELL & HUNTER, GREENSBORO, NORTH CAROLINA, AS BOND COUNSEL IN CONNECTION WITH GENERAL OBLIGATION BONDS OF THE CITY OF ASHEVILLE IN AN ESTIMATED AGGREGATE PRINCIPAL AMOUNT OF \$885,000

13. Consideration was given to a resolution approving the appointment of Smith Moore Smith Schell & Hunter, Greensboro, North Carolina, as bond counsel in connection with general obligation bonds of the City of Asheville in an estimated aggregate principal amount of \$885,000.

The City Manager read the resolution.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-18 was unanimously adopted.

Complete text of Resolution No. 83-18 will be found in Resolution Book No. 13 at page 419-420.

Councilman McDevitt said the City staff should notify the Buncombe County Commissioners and the Water Authority that the City of Asheville has retained this bond counsel for this bond issue. He said it was his hopes that, if everything works out well, that perhaps they could also use this bond counsel on future bond issues.

PROCLAMATION - INTERNATIONAL FORGIVENESS WEEK - JANUARY 23-29, 1983

Mayor Trantham proclaimed the week of January 23-29, 1983 as "International Forgiveness Week."

RESOLUTION NO. 83-19 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING A SIXTEEN INCH SEWER PIPELINE

Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina Department of Transportation concerning a sixteen inch sewer pipeline.

The City Manager read the resolution which stated that the City of Asheville desires to encroach on the right-of-way of Elk Mountain Scenic Highway, N. C. 694, near its intersection with Beaverdam Road, with the construction of a sixteen inch sewer line and related appurtenances.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-19 was unanimously adopted.

Complete text of Resolution No. 83-19 will be found in Resolution Book No. 13 at page 421.

time to recognize individuals of our community for their accomplishments.

Councilwoman Bratton thanked Council for their unanimous support of the resolution and said Mrs. Herring was very deserving of the honor.

Complete text of Resolution No. 83-20 will be found in Resolution Book No. 13 at page 422.

FINAL PUBLIC HEARING - UDAG APPLICATION FOR MAGNETICS INTERNATIONAL, INC.

RESOLUTION NO. 83-21 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THROUGH THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

3. A final public hearing was held relative to a UDAG application for Magnetics International, Inc.

Vice Mayor Price opened the public hearing at 4:35 p.m.

The City Manager presented the affidavit of publication setting the time and the date of the public hearing.

Marvin Vierra of the Planning Department said this was the last public hearing required prior to submitting the application to HUD. He said of the 7.8 million dollars requested, the UDAG portion of 1.5 million dollars would go toward the acquisition of the property and equipment for the proposed plant at 9 North Bear Creek Road. He said the present 6-inch water line and 8-inch sewer line were adequate for serving the facility.

Mr. Vierra said the Magnetics International Plant would boost the economy of the area by providing 90 jobs initially and in a 3-year period, approximately 141 jobs.

Upon inquiry of Councilman McDevitt, Mr. Vierra said the City would not have to repay the 1.5 million dollars to HUD and that the City could use this money for other economic development projects.

In response to a question from Councilwoman Bratton, Mr. Vierra said all federal guidelines must be adhered to by Magnetics International for this project.

Councilman McDevitt asked if there would be any financial exposure to the City and Mr. Vierra said this project was 100 percent funded by the federal government and that no matching funds were required by the City.

Since there were no other public comments, Vice Mayor Price closed the public hearing at 4:50 p.m.

The Corporation Counsel read the resolution.

Councilwoman Bratton moved for the adoption of Resolution No. 83-21. This motion was seconded by Councilwoman Frank and carried unanimously.

In response to a question from Councilman McDevitt, Mr. Vierra said the only costs to be incurred by the City would be for legal fees in the amount of \$1,500. Councilman McDevitt said he would like to suggest that the City insist on the developer paying these fees.

Complete text of Resolution No. 83-21 will be found in Resolution Book No. 13 at page 423 and 424.

Thursday - January 27, 1983 - 4:00 p.m.
Civic Center Banquet Room

Regular Meeting

Present: Vice Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Note: Mayor Roy Trantham was attending a meeting of the Board of Directors of the North Carolina League of Municipalities in Raleigh, N. C., but was expected to return in time for the presentation by the Downtown Consultants. Mayor Trantham arrived at the meeting at 5:05 p.m.

Absent: Councilman Gordon Myers - Called out of town on business.

INVOCATION

The invocation was given by Reverend Christopher of St. James AME Church.

MINUTES

1. Approval of the minutes of the January 20, 1983, meeting.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, the minutes of the January 20, 1983, meeting were unanimously approved as submitted.

RESOLUTION NO. 83-20 - RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY, 1983, AS "LUCY S. HERRING MONTH"

2. Consideration was given to a resolution proclaiming the months of February, 1983, as "Lucy S. Herring Month."

Councilwoman Bratton read the resolution and moved for its adoption. This motion was seconded by Councilman Pless and carried unanimously.

Vice Mayor Price asked Mrs. Herring to come forward for the presentation of the resolution by Councilwoman Bratton.

Mrs. Herring thanked Council for the honor bestowed upon her. Upon inquiry of Vice Mayor Price, Mrs. Herring said copies of her book "Strangers No More" were currently on sale at the bookstore on Haywood Street and after Saturday, the book would be on sale at the B. Dalton Book Store and the Y.M.I.

Reverend Grant thanked Council for honoring Mrs. Herring.

Councilman McDevitt read the synopsis on the back cover of "Strangers No More" and told Mrs. Herring she was an inspiration to the whole community.

Councilman Pless told Mrs. Herring that it is because of people in our community like her that Asheville has gained the distinction of being rated "one of the best places in America to live." He said he hopes this Council and future Councils will always take

ORDINANCE NO. _____

ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Vehicle Maintenance Facility Bonds in an aggregate principal amount not exceeding \$580,000 for the purpose of providing funds, with any other available funds, for constructing and equipping a structure for maintenance of the public vehicles of the City.

Section 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest of said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the City Clerk and is open to public inspection.

Section 4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in North Carolina General Statutes, Sec. 159-60, and that in that event the order will take effect when approved by the voters of the City at a referendum as provided in said Act.

Councilwoman Frank moved for the adoption of Ordinance No. 1345. This motion was seconded by Councilman McDevitt.

On a roll call vote of 5-0, Ordinance No. 1345 passed on first reading.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1345. This motion was seconded by Councilwoman Bratton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1345 passed on second reading.

ORDINANCE NO. 1346 - ORDER AUTHORIZING \$305,000 BRIDGE BONDS

7. Consideration was given to an ordinance authorizing \$305,000 bridge bonds.

The Corporation Counsel read the following ordinance.

ORDINANCE NO. _____

ORDER AUTHORIZING \$305,000 BRIDGE BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Bridge Bonds in an aggregate principal amount not exceeding \$305,000 for the purpose of providing funds, with any other available funds, for replacing and rehabilitating bridges on the City of Asheville street system.

Section 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

RESOLUTION NO. 83-22 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL BOARD OF DIRECTORS.

4. Consideration was given to a resolution appointing members to the Asheville-Buncombe County Community Relations Council Board of Directors.

The City Manager read the resolution and said this resolution would reappoint Mr. Bob Carr and the Chief of Police, whose terms expired on December 31, 1982, and would also appoint Mrs. Florence Ryan to serve the unexpired term of Mrs. Libby Henry Ramsey, who had resigned from the Board.

Ralph Bishop objected to Police Chief Hensley's reappointment to the Board.

Upon motion of Councilwoman Bratton, seconded by Councilman McDevitt, Resolution No. 83-22 was unanimously adopted.

Complete text of Resolution No. 83-22 will be found in Resolution Book No. 13 at page 425.

RESOLUTION NO. 83-23 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND PUBLIC FACILITIES TO SEEK GRANT FUNDS FROM THE NORTH CAROLINA ARTS COUNCIL

5. Consideration was given to a resolution authorizing the Director of Parks, Recreation and Public Facilities to seek grant funds from the North Carolina Arts Council.

The City Manager read the resolution and said various programs such as baton, photography, ballet, drama, and dance classes would be developed at the Reid, Montford, and Shiloh Recreation Center with these funds.

Upon inquiry of Councilman McDevitt, Ray Kisiah, Director of Parks, Recreation and Public Facilities, said the matching funds would be provided through existing in-kind staff services and that no additional staff would be required to implement the programs.

In response to a question from Councilwoman Bratton, Mr. Kisiah said the City had developed several programs such as the Hillcrest Enrichment Program, the Music and Drama Programs at Reid Center, and a Children's Drama Program at the Montford Center with previous grant funds from the North Carolina Arts Council.

Upon motion of Councilwoman Bratton, seconded by Councilwoman Frank, Resolution No. 83-23 was unanimously adopted.

Complete text of Resolution No. 83-23 will be found in Resolution Book No. 13 at page 426.

ORDINANCE NO. 1345 - ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS

6. Consideration was given to an ordinance authorizing \$580,000 public vehicle maintenance facility bonds.

Larry Fisher, Director of Finance, said Bond Counsel had developed a specific time schedule for the items on the agenda dealing with the bond issues and that he could not address the legal question of what the impact would be if the items were postponed to the next meeting of the City Council.

The City Manager read the following ordinance.

hearing to be held at 4:00 p.m. on February 10, 1983.

The Corporation Counsel read the following resolution.

RESOLUTION NO. _____

RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS" shall be held at 4 o'clock P.M., on February 10, 1983, at the City Hall in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth day before the date of said public hearing.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-25 was unanimously adopted.

Complete text of Resolution No. 83-25 will be found in Resolution Book No. 13 at page 428.

RESOLUTION NO. 83-26 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$305,000 BRIDGE BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

10. Consideration was given to a resolution providing for a public hearing upon an order authorizing \$305,000 bridge bonds and directing the City Clerk to publish said order together with a statement giving notice of said hearing to be held at 4:00 p.m. on February 10, 1983.

The Corporation Counsel read the following resolution.

RESOLUTION NO. _____

RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$305,000 BRIDGE BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING \$305,000 BRIDGE BONDS" shall be held at 4 o'clock P.M., on February 10, 1983, at the City Hall in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That a sworn statement of the debt of the City has been filed with the City Clerk and is open to public inspection.

Section 4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in North Carolina General Statutes, Sec. 159-60, and that in that event the order will take effect when approved by the voters of the City at a referendum as provided in said Act.

Councilman McDevitt moved for the adoption of Ordinance No. 1346. This motion was seconded by Councilman Pless.

On a roll call vote of 5-0, Ordinance No. 1346 passed on first reading.

Councilman McDevitt moved to suspend the rules and proceed to the second reading of Ordinance No. 1346. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1346 passed on second reading.

RESOLUTION NO. 83-24 - RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT

8. Consideration was given to a resolution designating the Director of Finance to prepare and file the sworn statement of debt.

The Corporation Counsel read the following resolution.

RESOLUTION NO. _____

RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED by the Council of the City of Asheville.

Section 1. That the Director of Finance be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of debt of the City of Asheville which is required by The Local Government Bond Act, as amended, to be file after a bond order has been introduced and before the public hearing thereon.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-24 was unanimously adopted.

The Finance Director filed the sworn statement with the City Clerk.

Complete text of Resolution No. 83-24 will be found in Resolution Book No. 13 at Page 427.

RESOLUTION NO. 83-25 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

9. Consideration was given to a resolution providing for a public hearing upon an order authorizing \$580,000 public vehicle maintenance facility bonds and directing the City Clerk to publish said order together with a statement giving notice of said

On a roll call vote of 5-0, Ordinance No. 1348 passed on first and final reading.

Complete text of Ordinance No. 1348 will be found in Ordinance Book No. 9 at page 431.

Mayor Trantham arrived at the meeting at 5:05 p.m. and presided over the rest of the meeting.

The meeting was recessed at 5:10 p.m. and reconvened at 5:30 p.m.

PRESENTATION BY THE DOWNTOWN CONSULTANTS, ZUCHELLI, HUNTER AND ASSOCIATES

Mayor Trantham said almost a year ago, on January 25, 1982, a public hearing had been held in the Banquet Room of the Civic Center to give interested citizens an opportunity to make suggestions about the revitalization of downtown. He said he believed the City was at a crossroads to set goals and to plan the future of Downtown Asheville and as a result of that belief, the Mayor's Downtown Task Force had been established. The Task Force was made up of citizens of Asheville and members of the County Commissioners and the City Council. Since its creation, Mayor Trantham said many of the Task Force's recommendations and other activities in our City had been carried out.

Mayor Trantham introduced the members of the Mayor's Task Force and the Downtown Commission and asked each of them to stand when their names were called. Mayor Trantham then called on Becky Williams, Director of Economic Development, to report on the progress and accomplishments made over the past year.

Mrs. Williams said the major accomplishment over the past year had been the participation of citizens with varying opinions who had worked to plan for the future of the Downtown. She said over 250 people had attended the Mayor's Downtown Meeting last January and that approximately 45 people, including elected officials and citizens, had met on a formal basis during that time for at least 30 official meetings and numerous committee and sub-committee meetings. In addition, she said, 3,000 citizens submitted their ideas on downtown development through a questionnaire that was mailed out with the water bills.

Mrs. Williams said the response to this input from the City included the appointment of a Mayor's Downtown Task Force, whose purpose was to present recommended goals and key policies for downtown revitalization to City Council. She said this report was completed in June and the following recommendations had been carried out:

- Financial Incentives were established in the form of a \$5 million dollar Downtown Loan Pool with five (5) banks participating and the City and County government providing owner interest subsidies.
- The establishment of an SBA 503 Program to lower loan interest funds to existing business for expansion purposes and that the first loan under this program was made in December and that several more were in the process of being put together.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth day before the date of said public hearing.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-26 was unanimously adopted.

Complete text of Resolution No. 83-26 will be found in Resolution Book No. 13 at page 429.

PROCLAMATION - HISTORY MONTH

Vice Mayor Price proclaimed the month of February, 1983, as "History Month."

CLAIMS - BILL MOORE (PUBLIC WORKS), SADIE WOOTEN (WATER & SEWER), RUTH BECK (WATER & SEWER)

The City Manager presented claims received from Bill Moore (Public Works), Sadie Wooten (Water & Sewer) and Ruth Beck (Water & Sewer).

Vice Mayor Price referred the claims to the Corporation Counsel for investigation and recommendation.

ORDINANCE NO. 1347 - A BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDING FOR AIRPORT SEWER PROJECT

Consideration was given to a budget ordinance amendment to provide funds for the Airport Sewer Project.

The City Manager read the ordinance which stated that this budget amendment in the amount of \$20,150 is to provide the City's portion of funding for the Airport Sewer Project.

Councilwoman Frank moved for the adoption of Ordinance No. 1347. This motion was seconded by Councilman McDevitt.

On a roll call vote of 5-0, Ordinance No. 1347 passed on first and final reading.

Complete text of Ordinance No. 1347 will be found in Ordinance Book No. 9 at page 430.

ORDINANCE NO. 1348 - A BUDGET ORDINANCE AMENDMENT TO ESTABLISH A CAPITAL PROJECT FOR THE AIRPORT SEWER LINE GRANT

Consideration was given to a budget ordinance amendment to establish a capital project for the Airport Sewer Line Grant.

The City Manager read the ordinance which stated that this budget amendment is to establish a capital project for the Airport Sewer Line Grant in the amount of \$230,300.

Councilwoman Frank moved for the adoption of Ordinance No. 1348. This motion was seconded by Councilwoman Bratton.

Mayor Trantham thanked Mrs. Williams for her presentation and said that one of the major accomplishments of the group had been putting together public and private money to hire consultants to assist the City in putting together development projects for the downtown. Mayor Trantham then introduced Donald Zuchelli and Ralph Basile of Zuchelli, Hunter and Associates.

Donald Zuchelli, President of Zuchelli, Hunter and Associates, consultant firm, said keeping things relatively small and simple while winning public participation and support must be considered major goals in an attempt to revitalize Asheville's downtown area. He said his firm is proposing a three-phase, 20 point plan to be followed in the search for realistic development proposals for retail, housing and office space. He said community participation sessions are included in all three phases. He said the success of the project will depend upon public input, communication and community organization, involvement and support. He said Asheville has an "unsatisfied or latent market" particularly in the area of "eating, drinking and entertainment which encourages daytime and nighttime cultural activities." He said he also saw a "strong residential market." He said Phase I will begin with a marketing analysis and financial feasibility study. He said in-depth work would begin with Phase II and would include a decision as to which projects should be dropped and which projects should be pursued, as well as a preliminary selection of potential sites. He said Phases I and II could be completed as early as June.

Mr. Ralph Basile, Vice-President of Zuchelli, Hunter and Associates, said Phase III, the developer solicitation process, will involve the courtship of a private developer and finalization of financial strategies through the use of financial data compiled in Phase II. He said the financing arrangements for any redevelopment project should be kept simple to increase the project's chances of attracting a developer's interest and winning community support. He said any immediate project to be developed in downtown will certainly require a combination of private and public funds. He said possible sources of public money include Urban Development Action Grants, and he said the Zuchelli firm has a working relationship with developers across the nation. He said it is important to look for a blend of monetary sources. He said Phase III could be completed by August.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:50 p.m.

Reynold Trantham Mayor Michael Z. Holcomb City Clerk

- These incentives are under the auspices of the Asheville -Buncombe Development Corporation, a non-profit organization whose goals are to promote business and industry in Buncombe County.
- The establishment of an Economic Development Trust Fund by the City to fund improvements such as water and sewer which encourage economic development.

Mrs. Williams said zoning and ordinance revisions had been evaluated or were in the process of being worked on which included zoning to include a wide variety of economic activities in the downtown that would be formalized in February; a minimum maintenance ordinance had been drawn up and is currently being studied by the Downtown Commission; and the 1981 Redevelopment Plan was rescinded.

Mrs. Williams said Task Force recommendations for implementation had been carried out by:

- The appointment of a Downtown Commission composed of citizens, county representatives, and the entire City Council to carry out the work of the Task Force.
- The hiring of a consultant firm to assist the City in obtaining developers for a variety of projects.

Other ideas and revitalization concepts were presented she said by Mr. Ralph Burgard, an arts consultant, who brought the City the vision of how cities become alive and vibrant through the arts; Mr. Philip Morris, the editor of Southern Living, who gave the City the concept of a "livable city"; and finally from the staff, citizens, and Mayor of Charlotte, who testified to the advantages of living in the downtown and the financial rewards to the city which has a viable downtown.

At the same time these activities were taking place, Mrs. Williams said private business initiatives were taking place by the renovation of the Old Butler Store on Patton Avenue, the renovation of the Army Store into corporate offices for Sky City, Inc., the construction of office condominiums at 11 N. Market Street by the H. M. Rice Company, the addition of new restaurants such as The Annex in the Flat Iron Building, Sony's in Lexington Park, and Liners in the Northwestern Bank Building, and the announcement of the Asheland Medical Office Condominiums at Asheland and Southside Avenues.

She said as the private development took place, the City instituted several improvements in the downtown area such as paving sidewalks, curbs and gutters on College Street, Patton Avenue, Eagle Street, and Market Street and the resurfacing of Market and Haywood Streets. In addition, she said Pine Street had been opened and the East End development project is nearing completion; that the Valley Street widening is underway, which would complete a major north-south traffic artery; that walking police patrols were added to the downtown; and that the Bele Chere Festival had been attended by 35,000 people in spite of the rain.

Mrs. Williams said that other major developments in the area which will affect the Central City area by tourism and population and economic growth are the \$20 million dollar expansion by Grove Park Inn; a new Holiday Inn in the south portion of the county; a new Ramada Inn in the western edge of the City; the development of the River Ridge Shopping Center on the southeast side of the City; improvements in the Depot Street area; the addition of two (2) new branch banks and three (3) fast food enterprises on Patton Avenue; and the construction of 50 new townhouse units and 80 new condominiums in the north end of town.

to City Council. Mr. Durward Johnson, by letter dated January 11, 1983, appealed the decision of the Planning and Zoning Commission to the City Council. Mr. Johnson has also agreed to the Planning and Zoning Commission staff's recommendation to rezone the property to CH Commercial Highway District instead of OI Office Institutional and to include in the rezoning Lot 52, Sheet 10, Ward 8.

Mr. David Matney, Attorney representing the petitioners, requested that the public hearing be continued for two (2) weeks, giving the petitioner time to decide what action he would like Council to take.

Councilman Pless requested that Council hear the residents attending the meeting relative to this rezoning. He said he received a petition from Mr. Rex Moseley with several signatures of residents in the area opposing the rezoning.

Mr. Rex Moseley, 28 White Pine Drive, President of the Kenilworth Forest Community Club, spoke in opposition to the rezoning. He said the petition presented to Councilman Pless contained ninety (90) signatures of residents in the area opposing the rezoning. He said this property has been petitioned to be rezoned four times and the Planning and Zoning Commission has recommended to Council the denial of the rezoning in all instances. He said the property in question is residential property and not commercial property. He said rezoning would create a traffic hazard in the neighborhood.

Mr. Fred Martin, 11 Spring Park Road, also spoke in opposition to the rezoning. He said it was his opinion that the residents in the area would be opposed to rezoning of anything other than residential property, opposing Commercial or Office Institutional.

Mr. Jerry Bradley, 37 White Pine Drive, also spoke in opposition to the rezoning, stating that there is presently a traffic problem in the area which poses a danger for children.

Upon inquiry of Council, Mr. Moseley said the residents in the area would oppose any zoning in the area other than residential.

Upon inquiry of Councilman Pless, Mr. Matney said his firm has been hired by the petitioner for a short period of time.

Councilman Pless requested that Council take action on the rezoning at today's meeting rather than continuing the public hearing.

Mr. Matney again requested that the public hearing be continued in order for Council to hear both sides of the issue. He said someone might want to speak in favor of the rezoning.

Vice-Mayor Price also requested that Council take action on the rezoning at today's meeting.

Mayor Trantham closed the public hearing at 4:46 p. m.

Verl Emrick, Director of Planning, read the ordinance rezoning the property as petitioned.

The ordinance died for the lack of a motion for adoption.

Thursday, February 3, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Deputy City Clerk Carol Hensley.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Councilman Larry McDevitt.

PROCLAMATION - "SALUTE TO HOSPITALIZED VETERANS DAY" - MONDAY, FEBRUARY 14, 1983

1. Mayor Trantham read a proclamation proclaiming Monday, February 14, 1983 as "Salute to Hospitalized Veterans Day."

Mayor Trantham presented the proclamation to Mr. Arthur Landy, Medical Center Director from the VA Hospital.

APPROVAL OF THE MINUTES

2. Approval of the minutes of the January 27, 1983 meeting.

Councilman Pless noted that he seconded the resolution proclaiming the month of February, 1983 as "Lucy S. Herring Month" instead of Councilwoman Frank as indicated in the minutes. The City Clerk noted that the minutes would be amended to reflect Councilman Pless' notation.

Upon request of the Associate City Manager, Council postponed approval of the minutes of the January 27, 1983 meeting until February 10, 1983 in order for the format of the minutes to be changed as requested by the bond attorneys for the \$885,000 General Obligation Bond Issue.

PUBLIC HEARING - REZONING PROPERTY ON WHITE PINE DRIVE - REQUEST OF MR. DURWARD JOHNSON

3. A public hearing was held relative to rezoning property on White Pine Drive from R-3 Medium Density Residential District to CH Commercial Highway District.

Mayor Trantham opened the public hearing at 4:17 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Note: The Asheville Planning and Zoning Commission at a meeting held January 5, 1983, considered the request of Mr. Durward Johnson, Agent, that Ward 8, Sheet 10, Lot 57, be rezoned from R-3 Residential District to OI Office Institutional District. After discussion, the Commission voted to recommend denial of this petition

The Associate City Manager read the ordinance which stated that the budget amendment in the amount of \$855.00 is to close out Community Development Parks and Recreation projects.

Councilwoman Frank moved for the adoption of Ordinance No. 1350. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1350 passed on first and final reading.

Complete text of Ordinance No. 1350 will be found in Ordinance Book No. 9 at page 433.

ORDINANCE NO. 1351 - BUDGET ORDINANCE AMENDMENT -ESTABLISHING PUBLIC FACILITIES BOND FUND

6. Consideration was given to a budget ordinance amendment to establish a Public Facilities Bond Fund and provide initial funding for the Vehicle Maintenance Facility and the Bridge Program.

The Associate City Manager read the ordinance which stated that this budget ordinance amendment will establish appropriations for a Vehicle Maintenance Facility in the amount of \$580,000 and for the Bridge Program in the amount of \$305,000. Funding will be provided from sale of General Obligation Bonds.

Councilman Myers questioned the next item on the agenda of awarding contracts for the construction of a Vehicle Maintenance Facility to be funded by these bond funds. He expressed concern about the awarding of the contracts prior to the bond money being "in hand."

Bob Wurst, Director of Budget and Audit, said any payments made toward this contract before the actual bond money is received will be made from "pool cash."

Upon inquiry of Council, the Associate City Manager said the bids for the project are valid until February 11, 1983. He said if the contracts are not awarded by that date, the City would have to re-bid the project. He said he felt the present bids are "good bids."

Larry Fisher, Director of Finance, upon questioning, said he does not anticipate any problems with the bonds being issued. He said in all probability the money would actually be received by the City of Asheville in about sixty (60) days.

Mr. Wurst told Council that he did not anticipate any problems with the bond issue, however, if there were problems the funds to construct the Vehicle Maintenance Facility would come from "capital reserves" and the city's priorities would have to change.

Councilwoman Frank moved for the adoption of Ordinance No. 1351. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 7-0, Ordinance No. 1351 passed on first and final reading.

Complete text of Ordinance No. 1351 will be found in Ordinance Book No. 9 at page 434.

691

**PUBLIC HEARING - REZONING PROPERTY ON NEW PINE STREET - REQUEST OF HOUSING AUTHORITY
OF THE CITY OF ASHEVILLE**

**ORDINANCE NO. 1349 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED**

4. A public hearing was held relative to rezoning property located on New Pine Street in the East End/Valley Street Project from R-3 Residential District to CS Commercial Service District.

Mayor Trantham opened the public hearing at 4:50 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held January 5, 1983 considered the petition of the Housing Authority of the City of Asheville that Ward 1, Sheet 2, portions of Lots 61 and 62, be rezoned from R-3 Residential District to CS Commercial Service District. After review and discussion, the Commission voted to recommend to City Council that the property be rezoned as petitioned.

Mr. Emrick said the Housing Authority is requesting the rezoning in order to convey property to the owners to construct a legal office building consisting of approximately 4,000 square feet.

Mr. Emrick said the Housing Authority received approval from the Community Planning Organization in the East End area. He said no opposition was received in the rezoning request.

Vice-Mayor Price said she felt the entire area should be reviewed for rezoning.

Mr. Emrick said the rezoning of this particular parcel is in keeping with the proposed plan for the East End/Valley Street Project.

Mayor Trantham closed the public hearing at 4:55 p. m.

Verl Emrick, Director of Planning, read the ordinance rezoning the property as petitioned.

Councilman McDevitt moved for the adoption of Ordinance No. 1349. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1349 passed on first reading.

**ORDINANCE NO. 1350 - BUDGET ORDINANCE AMENDMENT TO CLOSE OUT COMMUNITY DEVELOPMENT
PARKS AND RECREATION PROJECTS**

5. Consideration was given to a budget ordinance amendment to close out Community Development Parks and Recreation Projects.

STATUS REPORT - RESTORATION OF 22 NORMANDY ROAD

9. On November 4, 1982, a motion was made to continue the stay of Ordinance No. 1183, an ordinance to demolish 22 Normandy Road, until February 1, 1983 and that the Director of Inspections give Council a status report after February 1, 1983.

Mr. J. E. Johnson, Director of Inspections, said he inspected 22 Normandy Road on February 1, 1983 and found approximately 20% of the work being complete at 22 Normandy Road. He said there had been no wiring or plumbing work done at 22 Normandy Road.

Councilman McDevitt moved to continue the stay of Ordinance No. 1183 for sixty (60) days. This motion was seconded by Councilman Myers and carried unanimously.

PUBLIC HEARING SCHEDULED - SITE PLAN OF THE PROPOSED "BEAUCATCHER" COMPLEX TO BE LOCATED ON HAW CREEK LANE OFF U. S. 70

10. Vice-Mayor Price moved to schedule a public hearing relative to the site plan of the proposed "Beaucatcher" complex to be located on Haw Creek Lane off U. S. 70 for February 10, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDING ZONING ORDINANCE- SIGNAGE FOR SHOPPING CENTERS

11. Vice-Mayor Price moved to schedule a public hearing relative to amending the Zoning Ordinance pertaining to signage for shopping centers for February 24, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDING ZONING ORDINANCE - CHANGING CR COMMERCIAL REGIONAL DISTRICT TO CBD CENTRAL BUSINESS DISTRICT

12. Vice-Mayor Price moved to schedule a public hearing relative to amending the Zoning Ordinance to change CR Commercial Regional District to CBD Central Business District for February 24, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDING ORDINANCE NO. 1338 DESIGNATING "BEAUFORT LODGE" AS HISTORIC PROPERTY

13. Vice-Mayor Price moved to schedule a public hearing relative to amending Ordinance No. 1338, an ordinance designating a building and property known as "Beaufort Lodge" located at 61 N. Liberty Street in Buncombe County as historic property for February 24, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

PUBLIC HEARING SCHEDULED - AMENDING ORDINANCE NO. 1339 DESIGNATING "THOMAS WOLFE CABIN" AS HISTORIC PROPERTY

14. Vice-Mayor Price moved to schedule a public hearing relative to amending Ordinance No. 1339, an ordinance designating a building known as the "Thomas Wolfe Cabin" located at 1200 Oteen Church Road in Buncombe County as historic property for February 24, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 83-27 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE CONTRACTS FOR THE CONSTRUCTION OF A VEHICLE MAINTENANCE FACILITY

7. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville contracts for the construction of a Vehicle Maintenance Facility.

The Associate City Manager read the resolution which stated that on January 11, 1983 bids were received for the construction of a City of Asheville Vehicle Maintenance Facility. Six Associates, Inc., architects, have reviewed the bids and by letter dated January 14, 1983, recommend that the low bids, including Alternates 1, 2, and 3, be accepted as follows:

General - Beverly-Grant, Inc.	--	\$369,528
Plumbing- Moser, Inc.	--	32,155
Mechanical- Pyatt Heating & Air Conditioning	--	35,208
Electrical- Elcon Corporation	--	52,190
Total		\$489,081

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 83-27 was unanimously adopted.

Complete text of Resolution No. 83-27 will be found in Resolution Book No. 13 at page 430.

ORDINANCE NO. 1352 - AN ORDINANCE AMENDING SECTION 28-154 OF THE ASHEVILLE CODE OF ORDINANCES TO EXTEND THE MOTOR VEHICLE REGISTRATION REQUIREMENT FOR 1983

8. Consideration was given to an ordinance amending Section 28-154 of the Asheville Code of Ordinances to extend the Motor Vehicle Registration Requirement for 1983.

The Associate City Manager read the ordinance stating that due to the delayed mailing of tax listing forms, including the motor vehicle sticker forms, it has been recommended that the time limit be extended for displaying the automobile stickers from February 15, until March 15 for 1983.

Councilwoman Frank moved for the adoption of Ordinance no. 1352. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1352 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1352. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1352 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1352. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1352 passed on third reading.

Complete text of Ordinance No. 1352 will be found in Ordinance Book No. 9 at page 435.

FIREMEN - PROTEST OF INVESTIGATIONS IN THE FIRE DEPARTMENT

David Warren, President of the Local Chapter of Firefighters International, appeared before Council, on behalf of several firefighters in attendance at the meeting, to protest the Civil Service Board's decision on February 2, 1983 to conduct another investigation into reports of civil service testing violations in the Asheville Fire Department. He said these investigations began on February 25, 1982, with two investigations being conducted during this time period. He asked Council's help in reducing some of the pressure being put on the Fire Department. He said the SBI conducted an investigation and found there was no evidence of criminal misconduct. He said then the Asheville Police Department conducted an investigation and their results were turned over to Chief Ball. He said Chief Ball was prepared to present his report to the Civil Service Board on Wednesday, February 2, 1983 but was stopped by Civil Service Board Chairman Osborne Hart. He said at the conclusion of the Civil Service Board meeting it was decided that the Board would conduct their own investigation.

Vic Buchanan, City Attorney for Personnel matters, in reviewing the background for the Fire Department investigations, said the initial investigation was ordered by the Civil Service Board last February as a civil matter to be handled by the Police Department. Allegations of criminal activity surfaced and the project was turned over to the State Bureau of Investigation. SBI officials reported their findings to the District Attorney last May through a confidential report, and the District Attorney said there was no evidence of criminal misconduct. The civil investigation was then renewed by the Police Department and the results were given to Chief Ball last month. Chief Ball was prepared to read his report on the situation at Wednesday's Civil Service Board Meeting, but was stopped by Board Chairman Osborne Hart. At the conclusion of the Civil Service Board Meeting, the Chairman announced that the Board would conduct its own investigation and that "no information will be released" until that investigation is over.

Mr. Buchanan said under the Civil Service Law, the Civil Service Board has the right to investigate a department of the City and by so doing, can have access to personnel records under the "Employee Privacy Act."

Upon inquiry of Councilman McDevitt, Mr. Buchanan said the City Council can not tell the Civil Service Board whether or not to investigate a department of the City.

Upon inquiry of Vice Mayor Price, Mr. Buchanan said the Civil Service Board can make additional information available to the District Attorney regarding criminal charges and/or declare the forfeiture of employment.

Mr. Buchanan, upon questioning of Councilman Pless, said it was not unusual for someone to take a lie detector examination in an investigation, particularly with the Police and Fire Departments.

Sam Graves, Director of Management Services, said that several times in the Fire Department employees were requested to take a lie detector examination. He said the City and the Civil Service Board face a delicate situation in determining what can and cannot be made public records due to federal, state, and local laws dealing with the confidentiality of employee records.

PUBLIC HEARING CONTINUED - CLOSING OF A PORTION OF LOGAN AVENUE

15. At the request of the Associate City Manager, Councilman Pless moved to continue the public hearing relative to closing a portion of Logan Avenue until February 24, 1983 without further advertisement. This motion was seconded by Vice-Mayor Price and carried unanimously.

CLAIMS - DOROTHY GREEN (PUBLIC WORKS) - D. C. RICE (WATER & SEWER) - JAMES A. CARRIER (WATER & SEWER) - LOIS STATON (PUBLIC WORKS) - BRYANT DURHAM (PARKS & REC.)
DEANE STIVARIUS (WATER & SEWER)

The Associate City Manager presented claims received from Dorothy Green, D. C. Rice, James A. Carrier, Lois Staton, Bryant Durham, and Deane Stivarius.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - VOCATIONAL EDUCATION WEEK - FEBRUARY 6-12, 1983

Mayor Trantham proclaimed the week of February 6 - 12, 1983 as "Vocational Education Week."

PROCLAMATION - CATHOLIC SCHOOLS WEEK - FEBRUARY 6 - 12, 1983

Mayor Trantham proclaimed the week of February 6 - 12, 1983 as "Catholic Schools Week."

REFUSE COLLECTION SERVICE BIDS - ANNOUNCEMENT

The Associate City Manager announced that the bid opening date for the refuse collection service for the City of Asheville is February 21, 1983.

Councilman McDevitt requested that Council schedule for discussion next week consideration of revisions to the refuse collection service bid specifications.

EXPANDED PROPERTY ACQUISITION IN THE EAST END/VALLEY STREET AREA

The Associate City Manager said the Housing Authority of the City of Asheville is investigating the feasibility of expanding property acquisition and development in the East End/Valley Street area between Eagle and Beaumont Streets. He said it would be helpful to the Authority if they had Council's support on this concept.

After discussion, it was the consensus of Council to support the expanded property acquisition and development of the East End/Valley Street area between Eagle and Beaumont Streets.

School facilities, Parks and Recreation personnel, and interns from nearby colleges and universities could function together in programs that would provide a wholesome use for that time that is at present totally unsupervised for hundreds of children whose parents don't get home until after work.

We do not need further promotion of delinquency -- since we can't legally prohibit the sale of lewd and sexually explicit trash that is available on most magazine racks in convenience stores and we can't legally prohibit the showing of degrading films, the least we can do is make some effort to offset the damage by promoting Positive Youth Development so that our future citizens will grow up to be decent, self-respecting young people who can benefit from the environment that we have provided for them.

It's not spelled out in your job description but one of the prime responsibilities of city government is to provide a wholesome environment for all citizens. I feel that this deserves your attention and urge you to give this matter serious consideration and determine what can be done about it."

Councilman Pless responded to Mr. Hutchison that, being in the theatre business, a tax was placed on "X" rated movies in the State of South Carolina and the result was that the State received a sizeable amount of income from the tax however, there were more "X" rated movies shown because of the tax. He said he does not support "X" rated movies but he was opposed to censorship. He said this is a complicated problem that has no easy answer.

FIREMEN - PROTEST OF INVESTIGATIONS IN THE FIRE DEPARTMENT

Mr. Graves, Director of Management Services, told members of Council that the Director of Civil Service could meet with Council at 10:00 a. m. on Friday, February 4, 1983.

Councilman Pless moved to continue this meeting until Friday, February 4, 1983 at 10:00 a. m. This motion was seconded by Councilman McDevitt and carried unanimously.

Friday- February 4, 1983 - 10:00 a. m.

FIREMEN - PROTEST OF INVESTIGATIONS IN THE FIRE DEPARTMENT - MEETING WITH DIRECTOR OF CIVIL SERVICE BOARD, OSBORNE HART

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Llody Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Gordon Myers; Corporation Counsel William C. Moore, Associate City Manager/ City Clerk William F. Wolcott, Jr., Deputy City Clerk Carol Hensley.

Absent: Councilman Larry McDevitt (Called to regret that he could not attend the meeting due to an unavoidable conflict)

Mayor Trantham called on the Director of the Civil Service Board, Osborne Hart to give a report to Council.

287

Councilwoman Bratton said she felt the investigation by the Civil Service Board was to set the wheels in motion for the Civil Service Board to receive additional information. She said she would like to meet the Director of the Civil Service Board to determine what action they plan on taking.

Councilman Pless said he had previously requested an investigation into the Police and Fire Department due to what he had heard was serious problems in these departments. He requested that the Mayor set up a committee to investigate these problems.

After further discussion, Councilwoman Bratton moved to call the Director of the Civil Service Board, at this time, to set up a meeting with the Director to meet with the City Council immediately. This motion was seconded by Councilwoman Frank and carried unanimously.

W. G. HUTCHISON - COMMENTS RELATIVE TO RATINGS OF MOVIES

Mr. W. G. Hutchison read the following statement to Council:

" I want you to consider taking steps to reduce delinquency and increase positive youth development.

Specifically I am addressing the affect that movies have on young people and their characters.

Movies are rated G, PG, R and X. If I used PG language in addressing you today your opinion of me would not be one of respect. But that's what our kids are led to believe is normal.

The fact the R rated movies have a tangible influence on teenagers -- their behavior and subsequent pregnancies is hardly debatable.

I am not saying that movies are the only contributing factor but I would state unequivocally that many of them make a direct contribution to the delinquency of our youth. They promote profanity, vulgarity, obscenity and sexual promiscuity and result in creating a norm for our young people to live by that is morally, socially, spiritually and physically degrading.

(One drive-in even entices young children to see R rated movies by letting them in free.)

If it is legally permissible for this City Council to establish a tax on admissions to movies or to assess theatre operators, I would recommend and urge that the following be established:

For G rated movies	no tax
PG	\$.50
R	1.00
X	1.50

The monies collected could be used to establish and maintain after school (holiday, and other non-school days) programs for children whose parents are working.

Upon inquiry of Attorney Hugenschmidt, Mr. Hart said any action to be taken by the firemen after the results of the investigation are complete would have to be taken in the courts. He said it was indicated that this matter should be handled by the Civil Service Board.

Vic Buchanan, city attorney for personnel matters, said the Director of the Civil Service Board has the responsibility of overseeing compliance with the Civil Service Law. He said this is a complicated procedure and according to Section 22 of the Civil Service Law the responsibility lies with the Director of the Civil Service Board to take action on "acts of wrongdoings."

Several of the firemen said they felt the Civil Service Board should also be investigated since they have the responsibility of securing tests and test results.

A discussion was held relative to the past and present testing procedures, particularly who was responsible for preparing tests, securing tests, and administering tests.

Mr. Hart indicated that all the answers to questions being asked at today's meeting would probably be in the final report to be given to the City Clerk on February 21, 1983.

Upon inquiry of Vice-Mayor Price, Mr. Buchanan said he would probably review the report of the Civil Service Board to determine what parts could be made public. He said certain documents can not be made public due to the Employee Privacy Rights.

Upon inquiry of Attorney Hugenschmidt, Mayor Trantham said he would advise as to whether firemen could be present at the meeting on February 21, 1983 when Council receives the Civil Service Board report.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, the meeting adjourned at 11:35. p. m.

Ray M. Trantham
MAYOR

Vic Buchanan
CITY CLERK

220

Mr. Hart said everyone is concerned about the action of the Civil Service Board on Wednesday, February 2, 1983. He said his reason for the action was to ensure that they are upholding the Civil Service Law and the state laws governing local operations of the Board. He said about one month ago the Civil Service Board reviewed preliminary information from the Police Department relative to an investigation concerning complaints and allegations of cheating on Civil Service test. He said this information was turned over to Chief Ball of the Fire Department to review and report back to the Civil Service Board on February 2, 1983. He said on February 2, 1983 Chief Ball was prepared to give his report to the Civil Service Board and he asked him to let him read the report before giving it. He said one paragraph indicated that there was misconduct of two or three members of the Fire Department and that this matter should be resolved by the Civil Service Board. He said copies of the report were made for each Civil Service Board member and they went into executive session to discuss the report. He said after the discussion in the executive session, it was the unanimous decision of the Board to continue the investigation. He said the Board plans to complete the investigation and review of the evidence received and give a report to the City Clerk, as required by Section 13 of the Civil Service Law. He said the complete report of the investigation will be given to the City Clerk on February 21, 1983. He said at that time it will be the responsibility of the City Manager and the Council to take any action they deem necessary.

Councilwoman Bratton requested that the report be turned over to the City Clerk in the presence of the City Council.

Mayor Trantham suggested that Council have a special meeting on February 21, 1983 to receive the report from the Civil Service Board.

Jim Hugenschmidt, Attorney representing several firefighters, ask Mr. Hart if the Civil Service Board would be conducting a new investigation or a review of the evidence already compiled by the SBI and the Police Department and if subpoena's would be issued.

Mr. Hart responded by stating that the Civil Service Board would be investigating the "misconduct on testing" and the paragraph in Chief Ball's report that the misconduct should be resolved by the Civil Service Board. He said no new investigation would be conducted but the Board is concerned about the complaints and allegations of testing. He said this would basically a review of evidence already received, however subpoena's would have to be issued to firemen who have been involved in the investigation.

Upon inquiry of Mr. Hugenschmidt, Mr. Hart said the firemen would have the right to have counsel present during the investigation.

The following fireman asked the Director of the Civil Service Board general questions relative to the investigation to be conducted by the Civil Service Board:

Mr. James Whitworth
Mr. Ken Bishop
Mr. Glen Moore
Mr. David Warren
Mr. John Young
Mr. Charles Parker

All of the firemen indicated that these investigations were putting "shadows of doubt" on the Asheville Fire Department.

Mr. Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a meeting held February 2, 1983 reviewed the site plan of the proposed "Beaucatcher" complex (theatres, offices, and condominiums) to be located on Haw Creek Lane off U. S. 70. After review and discussion, the Commission voted to recommend approval to City Council, subject to the following conditions: 1) Compliance with the City of Asheville's Erosion Control Ordinance; and 2) In the event that additional development is planned for the site, such development shall be submitted to the Planning and Zoning Commission for review under Article 6. Group Developments of the Asheville Zoning Ordinance.

Mr. Emrick said the proposed project would be constructed at the old Haw Creek Elementary School site, consisting of 5.1 acres. He said the project is proposed to be built in two phases, phase one to include four theatres and a three story office building. He said the four theatres would consist of 1400 seats and the office building would contain 63,000 square feet. He said phase two would include four more theatres, consisting of 1100 seats and 24 units of condominiums. He said all parking requirements of the Zoning Ordinance have been complied with. He said the site plan was reviewed by the North Carolina Department of Transportation as it pertains to Haw Creek Lane. He said the North Carolina Department of Transportation is requiring a left turn lane into the project from Haw Creek Lane for the first phase of the development. He said the Planning Board also requested that the developer provide a right turn lane off Haw Creek Lane. He said the developers have agreed to provide for these two turning lanes.

Mr. Joe Hiller, Architect, for Litchfield Company, Developer of the "Beaucatcher" complex spoke in support of the proposed project. He said the project would entail a total of five stories with leased office space. He said the theatres would be medium sized theatres. He said the cost of the project would be approximately \$4 - \$5 million.

Responding to Mr. Bill Parker's request to have the public hearing continued, Mr. Hiller said further delays would damage the project. He said in his opinion Mr. Roth could only speak to Council as a competitor.

A discussion was held relative to the traffic problems in the immediate area. Councilman Myers expressed concern about the additional traffic problems to be created by the development. Mr. Hiller reminded Council that the N. C. Department of Transportation has reviewed the proposed plans and the traffic problems. He said in his opinion the N. C. Department of Transportation, at the present time, is not planning on additional traffic signals in this area.

Mr. Bill Parker renewed his request to have the public hearing continued for one week.

Mayor Trantham closed the public hearing at 4:50 p. m.

After discussion, Councilwoman Frank moved to approve the first phase of the "Beaucatcher" complex, being four theatres and three floors of office space, and instructed the Director of Planning to contact Mr. McIntire and Mr. John Daniels with the N. C. Department of Transportation to express Council's concern relative to the traffic problems in the area. This motion was seconded by Vice-Mayor Price and carried on a voice vote of 5-1, with Councilman Myers voting "no."

Councilman McDevitt requested that the City Manager or Mayor write a letter to Mr. McIntire, Mr. Billy Rose, and Mr. Jim Daniels with the North Carolina Department of Transportation to express Council's concern about the traffic problems in the area and to ask that special consideration and attention be given to this area.

Thursday - February 10, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, Associate City Manager/City Clerk William F. Wolcott, Jr., Deputy City Clerk Carol Hensley.

Absent: City Manager K. M. Michalove

INVOCATION

The invocation was given by Vice-Mayor Norma Price.

APPROVAL OF THE MINUTES - JANUARY 27, 1983 - FEBRUARY 3, 1983

1. Approval of the minutes of the January 27, 1983 and February 3, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the January 27, 1983 meeting were unanimously approved as submitted.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the February 3, 1983 meeting were unanimously approved as submitted.

PUBLIC HEARING - SITE PLAN OF THE PROPOSED "BEAUCATCHER" COMPLEX - HAW CREEK LANE

2. A public hearing was held relative to the site plan of the proposed "Beaucatcher" complex (theatres, offices, and condominiums) to be located on Haw Creek Lane off U. S. 70.

Mayor Trantham opened the public hearing at 4:03 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing.

Councilman Pless requested permission to abstain from the discussion and vote on the site plan of the proposed "Beaucatcher" complex due to a conflict of interest being that he was in the theatre business.

Vice-Mayor Price moved that Councilman Pless' request be granted to abstain from the discussion and vote on this issue. This motion was seconded by Councilwoman Frank and carried unanimously.

Mr. Bill Parker, Attorney representing Mr. Paul A. Roth, with the Ervin-Fuller Theatres, requested that Council continue the public hearing until Mr. Roth could be present at the public hearing to discuss the proposed project. He said Mr. Roth was made aware of the public hearing date today and called from Silver Springs, Maryland to request that the public hearing be continued until he could be present. He said Mr. Roth has property interest in the City of Asheville and would like to be heard by Council before action is taken on the proposed project.

ORDINANCE NO. 1346 - AN ORDER AUTHORIZING \$305,000 BRIDGE BONDS

6. Thereupon, upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, and carried, the order introduced and passed on its first and second readings on January 27, 1983, entitled: "ORDER AUTHORIZING \$305,000 BRIDGE BONDS", was read in full a third time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Mayor Irantham, Vice-Mayor Price, Councilwoman Bratton, Councilwoman Frank, Councilman Pless, Councilman McDevitt, and Councilman Myers.

Noes: None

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$305,000 BRIDGE BONDS" had been adopted.

The City Clerk was thereupon directed to publish said order once in the Asheville Times, together with the appended statement, as required by The Local Government Bond Act, as amended.

Ordinance Book No. 9 at page 432.

ORDINANCE NO. 1353 - BUDGET ORDINANCE AMENDMENT - REFUND TO N. C. DEPARTMENT OF TRANSPORTATION - FAA GRANT

7. Consideration was given to a budget ordinance amendment to refund North Carolina Department of Transportation for overpayment by State of FAA grant in the amount of \$14,877 at the Asheville Regional Airport.

The Associate City Manager read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1353. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 7-0, Ordinance No. 1353 passed on first and final reading.

Complete text of Ordinance No. 1353 will be found in Ordinance Book No. 9 at page 436.

RESOLUTION NO. 83-28 - RESOLUTION AUTHORIZING DIRECTOR OF PARKS, RECREATION, AND PUBLIC FACILITIES DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COUNCIL ON AGING FOR THE USE OF CERTAIN RECREATION CENTERS AS MEAL SITES FOR THE ELDERLY.

8. Consideration was given to a resolution authorizing Director of Parks, Recreation and Public Facilities Department to enter into an agreement with the Buncombe County Council on Aging for the use of certain recreation centers as meal sites for the elderly.

849

PUBLIC HEARING - "ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS"

3. The Mayor announced that this was the date and hour fixed by the Council for the public hearing upon the order entitled: "ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS" and that the Council would immediately hear anyone who might wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Mayor Trantham opened the public hearing at 4:56 p. m.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said question had been received.

Mayor Trantham closed the public hearing at 4:58 p. m.

ORDINANCE NO. 1345 - AN ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS

4. Thereupon, upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, and carried, the order introduced and passed on its first and second readings on January 27, 1983, entitled: "ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS", was read in full a third time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Mayor Trantham, Vice-Mayor Price, Councilwoman Bratton, Councilwoman Frank, Councilman Pless, Councilman McDevitt, and Councilman Myers.

Noes: None

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$580,000 PUBLIC VEHICLE MAINTENANCE FACILITY BONDS" had been adopted.

The City Clerk was thereupon directed to publish said order once in the Asheville Times, together with the appended statement, as required by The Local Government Bond Act, as amended.

Ordinance Book No. 9 at page 431.

PUBLIC HEARING - ORDER AUTHORIZING \$305,000 BRIDGE BONDS

5. Thereupon the Mayor announced that this was the date and hour fixed by the Council for the public hearing upon the order entitled: "ORDER AUTHORIZING \$305,000 BRIDGE BONDS" AND THAT THE Council would immediately hear anyone who might wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Mayor Trantham opened the public hearing at 5:00 p. m.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said question had been received.

Mayor Trantham closed the public hearing at 5:01 p. m.

APPOINTMENT OF COUNCILWOMAN BRATTON TO THE ASHEVILLE BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL TASK FORCE

Councilman Myers moved that Councilwoman Bratton be appointed to the Asheville-Buncombe County Community Relations Council Task Force Committee and that she act as Acting Chairman to set up the first meeting. This motion was seconded by Councilman McDewitt and carried unanimously.

Councilwoman Bratton said the County of Buncombe will be appointing a representative on Tuesday, February 15, 1983 and she will call the first meeting immediately after that appointment.

CLAIMS - VIRGINIA MUMPOWER (PUBLIC WORKS) - ED FRANKLIN (PUBLIC WORKS) - LORENE M. DOVER (PUBLIC WORKS) - COMMUNITY LUMBER COMPANY (WATER AND SEWER) - MARGERY BROWN (WATER AND SEWER) - HARLEY CHURCH (PUBLIC WORKS) - JOHN WALLEN (PUBLIC WORKS) - WILLIAM C. MAYS (PUBLIC WORKS) - FRANCES K. WALL (PUBLIC WORKS) - EDNA ALLISON (WATER & SEWER)

The Associate City Manager presented claims received from Virginia Mumpower, Ed Franklin, Lorene M. Dover, Community Lumber Company, Margery Brown, Harley Church, John Wallen, William C. Mays, Frances K. Wall, Edna Allison.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

DISCUSSION RELATIVE TO SPECIAL MEETING ON FEBRUARY 21, 1983 TO RECEIVE CIVIL SERVICE BOARD REPORT

During a discussion relative to holding a special meeting on February 21, 1983 to receive a Civil Service Board report, it was the consensus of Council to wait until the meeting of February 17, 1983 to decide on a special meeting.

ORDINANCE NO. 1349 -ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (New Pine Street)

Consideration was given to the second reading of Ordinance No. 1349, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (Rezoning property on New Pine Street).

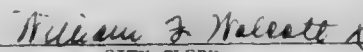
Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1349 passed on second reading.

ADJOURNMENT

Upon motion of Councilwoman Frank, seconded by Councilman McDewitt, the meeting adjourned.


MAYOR


CITY CLERK

215

The Associate City Manager read the resolution which stated that the Buncombe County Council on Aging has been designated as the coordinating agency for the Nutrition Program for the elderly for Buncombe County. The Buncombe County Council on Aging and the Asheville Parks, Recreation, and Public Facilities Department have been working cooperatively with this program at several recreation centers and this cooperation has resulted in improved services for the elderly in Asheville and Buncombe County. The Asheville Parks and Recreation Advisory Board has recommended that this program be continued during the fiscal year of July 1, 1983 - June 30, 1984.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 83-28 was unanimously adopted.

Complete text of Resolution No. 83-28 will be found in Resolution Book No. 13 at page 431.

RESOLUTION NO. 83-29 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD (Reappointment of Walter Boggs)

9. Consideration was given to a resolution appointing member to the Metropolitan Sewerage District Board.

The Associate City Manager read the resolution which reappointed Mr. Walter Boggs as a member of the Board for a term of three(3) years, term expiring January 19, 1986, or until his successor is duly appointed and qualified.

Upon motion of Councilwoman Bratton, seconded by Councilman Myers, Resolution No. 83-29 was unanimously adopted.

Complete text of Resolution No. 83-29 will be found in Resolution Book No. 13 at page 432.

PUBLIC HEARING SCHEDULED - AMENDMENT TO ZONING ORDINANCE - PERMIT GREENHOUSES IN THE R-3 RESIDENTIAL DISTRICTS

10. Councilwoman Frank moved to schedule a public hearing relative to amending the Asheville Zoning Ordinance to permit commercial greenhouses as a conditional use in the R-3 Residential District for March 3, 1983. This motion was seconded by Councilman Myers and carried unanimously.

REVISIONS TO BID SPECIFICATIONS FOR REFUSE COLLECTION SERVICE FOR THE CITY OF ASHEVILLE

11. Councilman McDevitt said he had reviewed the bid specifications for the refuse collection service for the City of Asheville. He said in his opinion the bid specifications were too strict, unworkable, and non-standard. He said after reviewing the specifications he is suggesting that Council revise the specifications in order to make them workable. He then reviewed the suggested revisions.

After discussion, Councilman McDevitt moved to authorize an addendum to be sent to all prospective bidders that received the original specifications. This motion was seconded by Vice-Mayor Price and carried unanimously.

RESOLUTION NO. 83-30 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LETTER OF UNDERSTANDING WITH THE BUNCOMBE COUNTY RESCUE SQUAD FOR MUTUAL AID TYPE SERVICES

4. Consideration was given to a resolution authorizing the Mayor to enter into a letter of understanding with the Buncombe County Rescue Squad for Mutual Aid type services.

The City Manager read the resolution stating that there is no city-operated rescue squad to assist the Asheville Police Department at automobile accidents, to provide back-up for the Asheville Fire Department at scenes of major fires and other disasters, to engage in water rescue and recovery operations, to provide mutual aid for the Asheville Regional Airport Fire Department, and to provide emergency rescue assistance for other city departments and divisions. The Buncombe County Rescue Squad, Inc. is willing and able to provide these services, in exchange for financial assistance from the City and the provision of certain city services.

Upon inquiry of Vice-Mayor Price, the City Manager said this contractual agreement is required according to the North Carolina General Statutes whereby the City finances an agency.

Vice-Mayor Price said provisions of the Water Agreement provided that the City would fund the Buncombe County Rescue Squad. She requested that the city staff make a request of the Buncombe County Rescue Squad to change their name to Asheville Rescue Squad or Asheville-Buncombe Rescue Squad.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-30 was unanimously adopted.

Complete text of Resolution No. 83-30 will be found in Resolution Book No. 13 at page 433.

RESOLUTION NO. 83-31 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE NECESSARY CONTRACTS FOR THE LEASE OF WORD PROCESSING MICRO-COMPUTER EQUIPMENT AND OPERATING SOFTWARE FOR THE CITY'S WORD PROCESSING CENTER

5. Consideration was given to a resolution authorizing the Mayor to sign the necessary contracts for the lease of word processing micro-computer equipment and operating software for the City's Word Processing Center.

The City Manager read the resolution stating that the City Council of the City has established a budget for the creation of a word processing center. The Data Processing Division and the Administrative Services Division have completed an informal evaluation of the equipment which is available for word processing. Burrough's Corporation offers word processing micro-computer equipment and operating software which will meet the needs of the word processing center as well as maintain an integrated, communicating data processing center. This resolution will authorize the Mayor to sign the contracts for the lease, installation, and maintenance of the word processing micro-computer equipment and operating software which is required.

Councilwoman Frank noted that the City Manager has assured members of Council that the City can save money by the creation of the Word Processing Center.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, Resolution No. 83-31 passed on a voice vote of 6-1, with Councilman Pless voting "no."

Complete text of Resolution No. 83-31 will be found in Resolution Book No. 13 at page 434.

217

Thursday - February 17, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Mayor Roy M. Trantham.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 10, 1983 meeting.

Vice-Mayor Price moved to amend the minutes of the February 10, 1983 meeting to include the second reading of Ordinance No. 1349. This motion was seconded by Councilwoman Frank and carried unanimously.

Vice-Mayor Price moved to approve the minutes of the February 10, 1983 meeting as amended. This motion was seconded by Councilwoman Frank and carried unanimously.

PRESENTATION BY THE ASHEVILLE HISTORIC SITE PRESERVATION COMMITTEE (WOLFE ANGEL PROJECT)

2. Mrs. Helen Naomi, with the Asheville chapter of the United Daughters of the Confederacy, told members of Council that they wanted to place a 6-foot bronze statue of an angel on a 4-foot marble pedestal on a site between the old Pack Memorial Library and the Jackson Building to commemorate Thomas Wolfe. She said the statue would be similar to the angel that once stood in front of Thomas Wolfe's father's shop on Pack Square. She said her organization would be responsible for maintenance of the statue and would also look into liability concerning the statue.

Upon inquiry of Councilwoman Bratton, Mrs. Naomi said her organization would be in favor of any statue of Thomas Wolfe as an addition to their project but not as an alternative.

Councilwoman Bratton said since she has received calls from other groups proposing other ideas that she felt Council should allow these people to be heard.

After discussion, Councilman Pless moved to accept the angel statue, that the United Daughters of the Confederacy should proceed with its plans, that the city would find a suitable site for the statue and that anyone opposed to the project and/or its proposed location should voice their opinion before the Council within three weeks. This motion was seconded by Councilman Myers and carried unanimously.

ORDINANCE NO. 1349 - ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (New Pine Street)

3. Consideration was given to the third reading of Ordinance No. 1349, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property located on New Pine Street.

On a roll call vote of 7-0, Ordinance No. 1349 passed on third reading.

Complete text of Ordinance No. 1349 will be found in Ordinance Book No. 9 at page 432.

RALPH BISHOP - COMMENTS RELATIVE TO FORMER POLICE CHIEF J. C. HALL

Mr. Ralph Bishop again spoke to Council relative to former Police Chief J. C. Hall.

ADJOURNMENT TO MEET AGAIN ON FEBRUARY 21, 1983 AT 10:00 A.M.

Councilman Pless moved to adjourn the meeting to meet again on February 21, 1983 at 10:00 a. m. to receive a report from the Director of the Civil Service Board relative to Fire Department investigations. This motion was seconded by Vice-Mayor Price and carried unanimously.

Monday, February 21, 1983 - 10:00 a. m.

Adjournment meeting from February 17, 1983

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Gordon Myers; Corporation Counsel William C. Moore, City Manager K. M. Michalove, Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt

REPORT FROM CIVIL SERVICE DIRECTOR RELATIVE TO FIRE DEPARTMENT INVESTIGATIONS

Mayor Trantham called on Mr. Osborne Hart, Director of the Civil Service Board to present the Civil Service Board's report relative to Fire Department investigations.

Mr. Hart presented the original of the completed report to the City Clerk and gave each Council member a copy of the report.

Mayor Trantham suggested that Council take the report under observation, adjourn the meeting and decide if any action is needed by members of Council.

Councilman Pless requested that Council recess and review the report in order to tell the firemen in attendance of any action Council plans on taking relative to the report.

David Warren, with the Asheville Fire Department, also requested that members of Council review the report at this time and that members of the Fire Department be furnished a copy of the report to review.

After a brief discussion, Vice-Mayor Price moved that Council recess for thirty (30) minutes to review the report. This motion was seconded by Councilman Pless and carried unanimously. (Time 10:10 a. m.)

CLAIMS - LAUREN HOBEIN (WATER & SEWER) - GEORGIA NIXON (WATER & SEWER) -- BOA ENTERPRISES
(WATER & SEWER)

LAWSUITS - ASHEVILLE HOUSING AUTHORITY vs. HERMAN R. IVEY PROPERTY, THOMAS K. LATTA PROPERTY, MARGARET I. GARLAND PROPERTY, SIDNEY M. SCHOCHET PROPERTY (East End/Valley Street Area)

The City Manager presented claims received from Lauren Hobein, Georgia Nixon, and BOA Enterprises.

The City Manager also said the city was served with summonses in connection with the following lawsuits, in which the city is either a defendant or a respondent:

<u>Plaintiff/Petitioner</u>	<u>Nature of Suit</u>
Asheville Housing Authority	Condemnation of Herman R. Ivey property (East End/Valley Street)
Asheville Housing Authority	Condemnation of Thomas K. Latta property (East End/Valley Street)
Asheville Housing Authority	Condemnation of Margaret I. Garland property (East End/Valley Street)
Asheville Housing Authority	Condemnation of Sidney M. Schochet property (East End/Valley Street)

Mayor Trantham referred the claims and lawsuits to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - "NATIONAL BIG BROTHERS AND BIG SISTERS APPRECIATION WEEK"
FEBRUARY 13-19, 1983

Mayor Trantham proclaimed the week of February 13-19, 1983 as "National Big Brothers and Big Sisters Appreciation Week."

OUTSTANDING SERVICE AWARD PRESENTED TO ASHEVILLE CITY COUNCIL BY VETERANS ADMINISTRATION

The City Manager announced that the Asheville City Council received an Outstanding Service Award from the Veterans Administration in recognition of outstanding service to the Nation's Veterans through the Voluntary Service Program. He said the awarded was dated February 14, 1983 and signed by Arthur Landy, Medical Center Director of the Oteen VA Hospital.

COUNCILMAN MYERS - REQUEST FOR CITY MANAGER TO LOOK INTO PROVIDING PARKING FOR SHOPPERS IN THE DOWNTOWN AREA

Councilman Myers said he had received several complaints from merchants downtown relative to parking problems in the downtown area. He said the main concern was due to persons who work downtown using the parking spaces on the streets. He requested that the City Manager do whatever possible to provide parking for shoppers in the downtown area. He said "tight policies and police procedures" might help the problems. He said he had personally observed persons working downtown using parking spaces.

Councilman Pless said he had also received the same complaint from merchants downtown and had also personally observed the problem. He said better policing of parking spaces might help to alleviate the problem.

Thursday - February 24, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Note: Councilman Larry McDevitt arrived at the meeting at 5:25 p. m. (He was detained in Superior Court during the first part of the meeting)

Absent: None

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 17, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the February 17, 1983 meeting were unanimously approved as submitted.

PRESENTATION BY THE WEST ASHEVILLE YOUTH SPORTS GROUP - MEMORIAL STADIUM

2. Mr. Kenneth C. Edwards, Commissioner for the West Asheville Youth Sports Program, said his organization sponsors the West Asheville Youth football program. He said his organization along with the North Asheville youth football organization, requests that the Asheville City Council save Memorial Stadium and allow it to be used for youth sports activities throughout each year. He also requested that the City keep the present lights and scoreboard at the stadium. He said the West Asheville and North Asheville football organizations use Memorial Stadium as their homefields and attendance at home games is very important to these organizations. He said without the Memorial Stadium, the lights and scoreboard, these two youth programs would cease to exist. He presented a number of petitions signed by residents of the City of Asheville and participants in the youth programs, requesting that Council save Memorial Stadium.

The City Manager said it was his understanding that the lights and scoreboard would stay at Memorial Stadium. He said he did not see any conflict with the organization's request. He said a Council Advisory Committee, composed of Mayor Trantham, Councilwoman Frank and Councilman Pless had been working on these problems.

Members of Council said they supported both the West Asheville and North Asheville Youth football programs.

At 10:40 a. m. Council reconvened and Mayor Trantham said members of Council had reviewed the report of the Civil Service Board and now has some recommendations.

Councilman Pless said the Council decided to follow the recommendations set forth in Chief Ball's report. He said no charges were found in the report and no individual names were mentioned. He said Chief Ball's report was an internal matter and the Council felt the matter should be handled internally. He said the Council recently established the City Personnel Advisory Commission who is currently conducting interviews at the Police Department with various personnel. He said the Commission should complete interviews with the Police Department in about two or three weeks and they would be interviewing personnel at the Fire Department next. He asked the firemen to meet with the Commission and tell them the problems they are having at the Fire Department. He said the Commission would report back to the City Council. He said Council members would look into all the recommendations of the firemen.

Councilman Myers requested that the firemen review Chief Ball's report and if they have any questions to bring them back to Council at the regular meeting on Thursday, February 24, 1983. He said the Council is basically upholding the decision of the Department head of the Fire Department, that this is an administrative decision and should be handled this way. He said he felt this was the only fair way to handled the situation.

Mayor Trantham said he felt this was a decision of all the Council members.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Vice-Mayor Price, the meeting adjourned at 10:50 a. m.


MAYOR


CITY CLERK

316
The Honorable Ray M. Trantham
City Council Members
February 24, 1983
Page Two

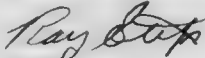
Also, the presence of incorrect answers in textbooks which were studied is just as reasonable explanation for those test results as cheating would be. Finally, the absence of any corroborating evidence of cheating leads me to the conclusion that there is not any logical or certain means of showing that cheating or "advantages" were responsible for the test results of the top seven scorers in the Assistant Chief's examination.

It is my humble request that under the circumstances you consider my signature on the Asheville Civil Service Board report a grave mistake on my part, and in lieu thereof allow this letter to be considered as my dissent from the Board's report.

I can only add that this investigation has strengthened my respect for the Asheville Fire Department and the firefighters themselves. The citizens of Asheville are fortunate to have such hardworking, well-trained and dependable firefighters to protect them, their families and their property. In my opinion, the shroud of secrecy and suspicion which has surrounded the Fire Department for the past year has served only to unfairly damage the character and reputation of all of the Asheville firefighters.

Upon the completion of our investigation, I had hoped that this matter would be finally laid to rest. It is my fervent hope and recommendation that City Council will not follow the Asheville Civil Service Board's "Recommendations", which are inconclusive at best, and put this matter to rest once and for all.

Respectfully submitted,



Ray Stepp
Member, Asheville Civil Service Board

Attorney Jim Hugenschmidt, representing the firefighters, said he appreciated the opportunity to comment on the Civil Service Board's report. He said the Civil Service Board was insensitive in its investigation and report. He commented on various parts of the Civil Service Board's report stating that the report was only "statistical" and showed no evidence of cheating on tests by the firefighters. He said the whole affair has been a gross violation of the fundamental rights of these firefighters and at no time during these investigations did the firemen have an opportunity to speak for themselves. He said the Civil Service Board had no right to put in the report that they had found cheating on a test. He said the Civil Service Board has allowed tests to be given over and over again even after grievances were filed relative to tests being given over.

DISCUSSION RELATIVE TO CIVIL SERVICE BOARD REPORT RELATIVE TO FIRE DEPARTMENT
INVESTIGATIONS

3. Mayor Trantham opened the discussion stating that at the last Council meeting held on February 21, 1983, Council received a report from the Civil Service Board relative to investigations in the Fire Department. He said at that time the firemen were presented a copy of the report and were told they would be given an opportunity to comment on the report at today's meeting. He said at the February 21, 1983 meeting Council agreed to accept Chief Ball's recommendations relative to the investigation.

At this time, Mayor Trantham recognized Mr. Ray Stepp, a member of the Civil Service Board who read the following letter:

Asheville, North Carolina 28801

February 24, 1983

The Honorable Roy M. Trantham
Mayor of the City of Asheville
City Council Members
City Building
Asheville, North Carolina 28801

RE: Asheville Civil Service Board Report on
Promotion Testing in the Fire Department

Dear Mayor and City Council Members:

Upon my return Monday, February 21, 1983, from a trip to Greensboro, North Carolina, I was very disturbed to read banner headlines in the Asheville Times proclaiming:
FIRE TEST CHEATING CONFIRMED.

I was disturbed at this report because prior to attending a Legislative Conference in Raleigh last week, I had met with the other members of the Asheville Civil Service Board to discuss our report on promotional testing in the Asheville Fire Department. At this Board meeting we received a rough draft of our final report. It was my understanding that our report would attempt to only state facts as we were able to determine them and that no recommendations would be included in the final report. Based on the evidence that the Board had gathered, I certainly did not feel as though we were in a position to make any accusatory allegations in this report. After being assured that this report would, in fact, state no recommendations, I signed a sheet of paper to be affixed to the finished draft as I would not be present to sign later.

It is with much anguish that I now realize my mistake in signing the signature sheet as it indicates that I agree with the report which was submitted to City Council by the Asheville Civil Service Board. In fact, I am bitterly opposed to any report which would be open to the broad interpretation found in the Asheville newspapers. Personally, I am not satisfied to any degree that any cheating took place during the Assistant Chief's examination.

Having attended every Board meeting or hearing which I was aware of regarding the alleged charges of cheating, I would respectfully report my findings to City Council as follows:

The mere fact that the top seven scorers on the questioned test gave the same wrong answers on two questions is not nearly enough evidence for me to begin to believe that cheating was involved in this situation. Anyone who has taken a multiple choice test knows that these questions easily lend themselves to two answers, particularly depending upon how the question and answers have been framed.

CONTINUATION OF PUBLIC HEARING - CLOSING OF A PORTION OF LOGAN AVENUE

5. A public hearing relative to the closing of a portion of Logan Avenue continued.

Mayor Trantham said this public hearing was continued from the January 6, 1983 meeting.

Larry Ward, with the Public Works Department, said at the January 6, 1983 meeting Council had requested that the city start look at other alternatives other than closing a portion of Logan Avenue. He said the Public Works Department and Engineering Division reviewed the alternatives and recommend the relocation of Logan Avenue approximately 8'. He said the street could be moved away from the eroding bank and guard rails would be installed. He said additional right-of-way would have to be obtained to do this. He said the individual is willing to give the right-of-way. He said the projected cost for the relocation of the road is approximately \$16,000 excluding utility relocation costs.

The City Manager suggested that Council continue the public hearing, without further advertisement, instructing the staff to prepare the plans for the relocation of the road, obtain the additional right-of-way, and circulate the proposed plan around the community to get the residents input into the plan.

Mr. Tom Lawrence of 121 Logan Avenue spoke in favor of the proposed relocation of Logan Avenue.

Vice-Mayor Price moved to continue the public hearing, without further advertisement, until a later date. This motion was seconded by Councilman Pless and carried unanimously.

PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE - SIGNAGE REQUIREMENTS FOR SHOPPING CENTERS

6. A public hearing was held relative to proposed wording amendment to the Zoning Ordinance pertaining to signage requirements of shopping centers.

Mayor Trantham opened the public hearing at 5:24 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said at the request of Mr. R. L. Coleman, Jr., with the Asheville Mall, the Planning and Zoning Commission has been studying signage requirements of shopping centers. At a meeting held February 2, 1983, the Commission voted to recommend wording amendment to Section 30-9-3, Use Regulations - Shopping Centers to the Zoning Ordinance. He said this amendment would create a new section in the Zoning Ordinance which would address unique signage needs for shopping centers containing 100,000 square feet or more. He said Mr. Coleman is presently out of town and recommended that Council continue the public hearing until Mr. Coleman could be present to discuss the amendment.

Mr. Emrick reviewed the recommended changes to the Zoning Ordinance.

Attorney Hugenschmidt asked that the City Council issue a statement that the City Council finds no evidence of cheating on a test and that the firefighters and the Fire Department have been completely exonerated of any wrongdoings in connection with it. He said the firefighters who have been denied promotions because of the investigations should be promoted.

Ralph Bishop spoke in support of the firefighters.

At 4:45 p. m. Councilman Pless moved that Council take a five (5) minute recess. This motion was seconded by Vice-Mayor Price and carried unanimously.

Council reconvened at 5:00 p. m. and Councilman Myers said after looking at the Civil Service Board's report carefully it is evidenced that the Council did not concur with the recommendations of the Civil Service Board. He said it is the finding of this City Council that there is no evidence or proof of cheating on the part of any member of the Asheville Fire Department on the test in question. He said this is an administrative situation to be handled by Chief Ball, the Department Head of the Fire Department. He said, in addition, the City Council has set up a City Personnel Advisory Commission to look into city policies, including the Civil Service Board. He said this provides a method for city employees to use to air their thoughts and problems. He asked city employees to use the City Personnel Advisory Commission.

Mayor Trantham said the city employees should feel free to talk with the Personnel Advisory Commission members.

Councilman Myers said in his opinion the members of the Personnel Advisory Commission can be objective and can be very effective. However, the Commission can only be as effective as the employees make it.

Councilman Pless thanked Mr. Ray Stepp for appearing before Council to make his statement. He said, speaking only for himself, that the manner in which the investigation was handled was a disgrace on the City of Asheville and he "publicly apologized to each and every one of you for the way this things been handled."

David Warren, employee of the Asheville Fire Department, thanked members of Council for their support.

COMPLAINT BY BILL OGLESBY - PARKING TICKET RECEIVED IN DOWNTOWN ASHEVILLE

4. Bill Oglesby appeared before Council to voice a complaint of receiving a parking ticket which he received while parked on College Street before 9:30 a. m. to conduct his banking business. He said he felt if the banks are open then the public should be allowed to use the parking spaces to do their business.

The City Manager told Mr. Oglesby that the City of Asheville adopted recommendations of the downtown merchants relative to parking downtown. He said the main problem with allowing parking downtown before 9:30 a. m. is that the employees who work downtown park in these parking spaces.

Mr. Oglesby responded that most of the businesses on College Street are banks and parking should be allowed before 9:30 a. m.

Mayor Trantham said members of Council are currently working on this particular problem.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said this amendment is to correct a typographical error made in the original ordinance.

Mayor Trantham closed the public hearing at 5:43 p. m.

Verl Emrick read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1355. This motion was seconded by Councilman McDevitt.

On a roll call vote of 7-0, Ordinance No. 1355 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1355. This motion was seconded by Councilman Pless and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1355 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1355. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1355 passed on third and final reading.

Complete text of Ordinance No. 1355 will be found in Ordinance Book No. 9 at page 443.

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 1339 - DESIGNATING "THOMAS WOLFE CABIN" AS HISTORIC PROPERTY

ORDINANCE NO. 1356 - AN ORDINANCE AMENDING ORDINANCE NO. 1339, KNOWN AS "AN ORDINANCE DESIGNATING A BUILDING KNOWN AS THE "THOMAS WOLFE CABIN" LOCATED AT 1200 OTEEN CHURCH ROAD IN BUNCOMBE COUNTY AS HISTORIC PROPERTY

8. A public hearing was held relative to amending Ordinance No. 1339, known as "An Ordinance designating a building known as the "Thomas Wolfe Cabin" located at 1200 Oteen Church Road in Buncombe County as Historic property."

Mayor Trantham opened the public hearing at 5:45 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said this amendment is to correct a typographical error made in the original ordinance.

Mayor Trantham closed the public hearing at 5:47 p. m.

After a brief discussion, Councilman Myers moved to continue the public hearing without further advertisement. This motion was seconded by Vice-Mayor Price and carried unanimously.

PUBLIC HEARING - PROPOSED WORDING AMENDMENT TO ZONING ORDINANCE - CR COMMERCIAL REGIONAL DISTRICT

ORDINANCE NO. 1354 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

7. A public hearing was held relative to proposed wording amendment to the Zoning Ordinance pertaining to CR Commercial Regional District.

** Councilman McDevitt arrived at the Council meeting at 5:25 p. m.
Mayor Trantham opened the public hearing at 5:28 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said at a meeting held February 2, 1983, the Planning and Zoning Commission, acting on the request of the Downtown Commission, considered a wording amendment to the CR Commercial Regional District of the Asheville Zoning Ordinance. After review and discussion, the Commission voted to approve an amendment to Section 30-5-7, Central Business District (CBD).

He said since the Planning and Zoning Commission meeting a request was received to delete the CR Commercial Regional District in its entirety and replace it with the CBD Central Business District. However, he recommended that the CR Commercial Regional District be left in tact and create a new zone to be entitled CBD, Central Business District for the downtown area.

Mr. Emrick reviewed the details of the new Central Business District.

After a brief discussion, Mayor Trantham closed the public hearing at 5:35 p. m.

Verl Emrick read the ordinance.

Councilwoman Frank moved for the adoption of Ordinance No. 1354. This motion was seconded by Vice-Mayor Price.

On a roll call vote of 7-0, Ordinance No. 1354 passed on first reading.

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 1338 - DESIGNATING "BEAUFORT LODGE" AS HISTORIC PROPERTY

ORDINANCE NO. 1355 - AN ORDINANCE AMENDING ORDINANCE NO. 1338, KNOWN AS "AN ORDINANCE DESIGNATING A BUILDING AND PROPERTY KNOWN AS "BEAUFORT LODGE" LOCATED AT 61 N. LIBERTY STREET IN BUNCOMBE COUNTY AS HISTORIC PROPERTY"

8. A public hearing was held relative to amending Ordinance No. 1338, known as "An Ordinance designating a building and property known as "Beaufort Lodge" located at 61 N. Liberty Street in Buncombe County as Historic property."

Mayor Trantham opened the public hearing at 5:41 p. m.

CLAIMS - DORIS BRYSON (PUBLIC WORKS) - MARY ANN TATE (WATER & SEWER) - HILDA LANNING (WATER & SEWER)

The City Manager presented claims received from Doris Bryson, Mary Ann Tate, and Hilda Lanning.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RALPH BISHOP - COMMENTS RELATIVE TO THE POLICE DEPARTMENT

Ralph Bishop made comments to Council relative to the Police Department and the fact that crime has increased 8%.

ADJOURNMENT

Upon motion of Councilman Pless, seconded by Vice-Mayor Price, the meeting adjourned at 5:55 p. m.

May 14, 1968
MAYOR

William F. Holcomb
CITY CLERK

Verl Emrick read the ordinance.

Vice-Mayor Price moved for the adoption of Ordinance No. 1356. This motion was seconded by Councilman McDevitt.

On a roll call vote of 7-0, Ordinance No. 1356 passed on first reading.

Vice-Mayor Price moved to suspend the rules and proceed to the second reading of Ordinance No. 1356. This motion was seconded by Councilman McDevitt and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1356 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1356. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1356 passed on third reading.

Complete text of Ordinance No. 1356 will be found in Ordinance Book No. 9 at page 444.

RESOLUTION NO. 83-32 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CERTIFICATE OF DISPLACEMENT AND CLAIM FOR PAYMENT TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

9. Consideration was given to a resolution authorizing the Mayor to execute Certificate of Displacement and Claim for Payment to North Carolina Department of Transportation.

The City Manager read the resolution stating that the City of Asheville is the owner of certain property located on Valley Street in the City of Asheville. The North Carolina Department of Transportation is engaged in Project No. M-5009 (1). It is necessary for the City to file a claim for payment for moving expenses in order to be reimbursed for said expenses, with the Department of Transportation. The North Carolina Department of Transportation has requested that the Mayor of the City execute Form No. 15.9, Claim for Payment. He said the amount the City will receive is \$277.00.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-32 was unanimously adopted.

Complete text of Resolution No. 83-32 will be found in Resolution Book No. 13 at page 435.

COUNCILMAN PLESS - BIDDING PROCEDURES

Upon inquiry of Councilman Pless, the City Manager said sealed bids are received by the Purchasing Division and it is his understanding that the bids are stamped with the date and time received.

Upon inquiry of Councilman Myers, the City Manager said bids were received on the refuse collection service for the City of Asheville. He said the bids are presently being reviewed for compliance with bid specifications.

PUBLIC HEARING - INCLUDING GREENHOUSES AS CONDITIONAL USES IN THE R-3 RESIDENTIAL DISTRICTORDINANCE NO. 1357 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. A public hearing was held relative to amending the Zoning Ordinance to include greenhouses as a conditional use in the R-3 Residential Districts.

Mayor Trantham opened the public hearing at 4:53 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission, at a meeting held February 2, 1983, considered the request of Mr. and Mrs. Ralph Freeman by Attorney Joe Connolly that commercial greenhouses be permitted as a conditional use in the R-3 Residential Districts. After discussion, the Commission voted to recommend approval of this request to City Council.

Mr. Emrick explained the provisions to be used as guidelines for approval of the conditional use.

Vice-Mayor Price suggested that adequate buffering also be added as a provision.

Mr. Emrick said buffering could be added as a provision as referred to in Section 30-3-14 of the Zoning Ordinance.

Attorney Joe Connolly, representing Mr. and Mrs. Ralph Freeman, spoke in support of the wording amendment.

Mayor Trantham closed the public hearing at 5:05 p. m.

Verl Emrick read the ordinance adding the provision for buffering.

Councilman McDevitt moved for the adoption of Ordinance No. 1357. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1357 passed on first reading with Councilwoman Bratton voting "no."

PUBLIC HEARING - WORDING AMENDMENT TO ZONING ORDINANCE -SIGNAGE REQUIREMENTS FOR SHOPPING CENTERSORDINANCE NO. 1358 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing relative to proposed wording amendment to the Zoning Ordinance pertaining to signage requirements of shopping centers continued.

Mayor Trantham advised that this public hearing was continued from the February 24, 1983 meeting.

Mr. R. L. Coleman, Jr., with the Asheville Mall, spoke in support of the ordinance stating that the present ordinance does not provide for this particular issue. He suggested that Article 4 of the proposed ordinance be amended to read as follows:

Thursday - March 3, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the February 24, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the February 24, 1983 meeting were unanimously approved as submitted.

PETITION TO ASSIGN FRANCHISE FOR THOMS BROADCASTING COMPANIES, INC. TO AMERICAN CABLE TV INVESTORS, A LIMITED PARTNERSHIP

2. John Jerosé, Executive Director, of Thoms Broadcasting Companies, Inc. presented a petition to City Council to approve the assignment of the franchise granted to Thoms Broadcasting Companies, Inc. for the maintenance and **operation** of a community antenna television system in Asheville to American Cable TV Investors, a limited partnership.

Mr. John Mason, with American Cable TV Investors, presented the Corporation Counsel with documents indicating the make up of the partnership. He also presented and gave a brief overview of the partnership's financial statements. He discussed the financial ability of the partnership to take over the franchise from Thoms Broadcasting Companies, Inc.

Upon inquiry of Vice-Mayor Price relative to re-negotiating the franchise, the Corporation Counsel advised that Council would be considering approval or disapproval of the assignment, however the approval can not be unreasonably withheld.

Attorney Max Cogburn, representing Thoms Broadcasting Companies, Inc., said in his opinion, the assignment of the franchise would be as the franchise is presently written.

A discussion was held relative to the method Council must use in considering the assignment of the franchise. Mr. Cogburn told members of Council that a tentative date of March 29, 1983 was scheduled for the closing of the transfer.

After telephoning Mr. David Lawrence at the Institute of Government, for an opinion, the Corporation Counsel advised that the assignment of the franchise must be done by ordinance.

After discussion, it was the consensus of Council to schedule consideration of the ordinance granting the assignment on the agenda for March 10, 1983.

RESOLUTION NO. 83-33 - RESOLUTION EXECUTING DOCUMENTS FOR THE NORTH CAROLINA HOUSING FINANCE AGENCY HOME IMPROVEMENT LOAN PROGRAM AND DESIGNATING AREAS FOR REHABILITATION ASSISTANCE

6. Consideration was given to a resolution authorizing the Mayor to execute documents to enable the City to participate in the North Carolina Housing Finance Agency Home Improvement Loan Program and to designate the former Community Development areas as eligible for rehabilitation assistance.

The City Manager read the resolution.

Larry Holt, Deputy Executive Director of the Housing Authority of the City of Asheville, explained the details for the City to participate in the North Carolina Housing Finance Agency Home Improvement Loan Program in order for the City to receive \$240,000 for home improvement loans through the State Housing Finance Agency.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-33 was unanimously adopted.

Complete text of Resolution No. 83-33 will be found in Resolution Book No. 13 at page 436.

RESOLUTION NO. 83-34 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO AMEND THE LEASE FOR AMUSEMENT RIDES AND CONCESSIONS AT RECREATION PARK

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to amend the lease for amusement rides and concessions at Recreation Park.

The City Manager read the resolution stating that the City of Asheville has leased to Mr. Cebren P. Fisher the rights and privilege of operating amusement rides and concessions at Recreation Park for the period of April 1, 1979 through October 30, 1984. The Parks and Recreation Advisory Board has considered this existing lease agreement and recommends a change in the method of payment for this lease. The proposed changes in the lease are acceptable to Mr. C. P. Fisher for the 1983 and 1984 seasons. The change is from an annual percentage rate to an annual rate.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 83-34 was unanimously adopted.

Complete text of Resolution No. 83-34 will be found in Resolution Book No. 13 at page 437.

RESOLUTION NO. 83-35 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR DRAINAGE IMPROVEMENTS AT BILTMORE AVENUE AND VICTORIA ROAD, PROJECT NO. 9.8130264

8. Consideration was given to a resolution authorizing the Mayor to execute a Municipal Agreement between the North Carolina Department of Transportation and the City of Asheville for drainage improvements at Biltmore Avenue and Victoria Road, Project No. 9.8130264.

"Requests for additional signage of a permanent nature which is not otherwise permitted by this ordinance to be located on the property of a shopping center shall be reviewed and approved by the Asheville Planning and Zoning Commission."

After discussion, the Corporation Counsel suggested that Council pass the ordinance on first reading today and consider the amendment to the ordinance before the second reading of the ordinance.

Mayor Trantham closed the public hearing at 5:12 p. m.

Verl Emrick said copies of the ordinance were furnished members of Council, therefore the ordinance would not be read in its entirety.

Councilman Myers moved for the adoption of Ordinance No. 1358. This motion was seconded by Councilman Pless.

On a roll call vote of 7-0, Ordinance No. 1358 passed on first reading.

ORDINANCE NO. 1354 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (CREATING CBD CENTRAL BUSINESS DISTRICT)

5. Consideration was given to the second reading of Ordinance No. 1354, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville," as amended, creating CBD Central Business District.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, suggested that the ordinance be amended to include the following:

"3. That all property within the jurisdiction of Ordinance No. 322, as amended, currently zoned CR Commercial Regional District and designated as such on the following Asheville and Buncombe County Tax Maps:

Ward 1, Sheets 1, 2, 3, and 5
Ward 2, Sheets 1, 2, 3, 17 and 18
Ward 3, Sheets 1, 2, 13, 14, and 15
Ward 4, Sheets 1 and 2

Be and are hereby reclassified as CBD Central Business District."

Vice-Mayor Price moved to amend Ordinance No. 1354 as suggested by Mr. Emrick. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1354 passed on second reading.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, Resolution No. 83-37 was unanimously adopted.

Complete text of Resolution No. 83-37 will be found in Resolution Book No. 13 at page 440.

STATUS REPORT - REHABILITATION OF 230 CUMBERLAND AVENUE

Mr. J. E. Johnson, Director of Inspections, reported that he had inspected 230 Cumberland Avenue at 1:30 p. m. today and found that some work on the dwelling had been done. He said felt paper had been placed on the roof but no shingles. He said the yards had been cleaned some but needed additional cleaning.

Council requested that the Director of Inspections report back to Council in 6-8 weeks relative to the work being done on the dwelling.

SCHEDULING PUBLIC HEARING - SITE PLAN OF THE "ASHELAND CENTER"

Vice-Mayor Price moved to schedule a public hearing relative to the site plan of the "Asheland Center" (medical office condominium project) to be located at the corner of Asheland and Southside Avenues for March 10, 1983. This motion was seconded by Councilwoman Frank and carried unanimously.

PRESENTATION OF LETTER FROM E. H. McENTIRE - DEPARTMENT OF TRANSPORTATION -
RELATIVE TO HAW CREEK LANE

The City Manager presented the following letter:

February 24, 1983

Mr. Ken Michalove
City Manager
City of Asheville
P. O. Box 7148
Asheville, N. C. 28807

Dear Ken:

This will acknowledge your letter of February 16 to Billy Rose, Jim Daniels, and me in which you express Council's concern about the ingress and egress to the Beaucatcher Complex Project.

We are currently reviewing the effect this development will have on traffic at Haw Creek Lane and the area in general, as well as reviewing comments made to us in a letter from Richard Coleman, owner of the Asheville Mall.

We are making arrangements for the entire matter to be reviewed by our Traffic Engineering people during the week of February 28th and will be in touch with you just as soon as we can.

Very truly yours,

/s/ Earl
E. H. McEntire
Division Engineer

EHMc:aa

cc: Mr. Jim Daniels, Mr. Billy Rose, Mr. Gene Edmonds

007

The City Manager read the resolution stating that this municipal agreement entails street drainage improvements on Biltmore Avenue from near the entrance to Memorial Mission Hospital to north of the Victoria Road intersection.

Upon motion of Councilman McDevitt, seconded by Vice-Mayor Price, Resolution No. 83-35 was unanimously adopted.

Complete text of Resolution No. 83-35 will be found in Resolution Book No. 13 at page 438.

RESOLUTION NO. 83-36 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS, RECREATION, AND PUBLIC FACILITIES TO MAKE APPLICATION FOR AN ENRICHMENT GRANT FOR REID MEMORIAL, MONTFORD, AND STEPHENS-LEE RECREATION CENTERS

9. Consideration was given to a resolution authorizing the Director of Parks, Recreation, and Public Facilities to make application for an enrichment grant for Reid Memorial, Montford, and Stephens-Lee Recreation Centers.

The City Manager read the resolution stating that the music enrichment program currently operating at Reid, Montford, and Stephens-Lee Recreation Centers is and has been very successful and \$5,885 in state funds is available to continue the music enrichment program begun last year and local match in the amount of \$7,447 will be provided by in-kind staff services already in place in these three recreation centers.

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 83-36 was unanimously adopted.

Complete text of Resolution No. 83-36 will be found in Resolution Book No. 13 at page 439.

CANCELLING CITY COUNCIL MEETING SCHEDULED FOR MARCH 17, 1983

10. Councilman Pless moved to cancel the City Council meeting scheduled for March 17, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

The City Manager noted that the purpose of cancelling the March 17, 1983 is to give the Council an opportunity to have an all day budget session.

RESOLUTION NO. 83-37 - RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL

11. Consideration was given to a resolution prescribing the time and day of the weekly meeting of the City Council.

At the request of several members of Council, the City Manager read the resolution stating that Article 2, Section 8 of the Charter of the City of Asheville requires that a time and day be set by resolution for the meetings of the City Council. Resolution No. 79-265, adopted December 6, 1979 set the regular meeting date for Thursday at 4:00 p. m. and it is the desire of Council that the meeting day be changed to Tuesday at 4:00 p. m.

Thursday - March 10, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Norma T. Price (out of town on vacation)

INVOCATION

The invocation was given by Councilwoman Wilhelmina Bratton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 3, 1983 meeting.

Upon motion of Councilman McDevitt, seconded by Councilwoman Frank, the minutes of the March 3, 1983 meeting were unanimously approved as submitted.

PUBLIC HEARING - SITE PLAN OF THE "ASHELAND CENTER" - ASHELAND AND SOUTHSIDE AVENUES

2. A public hearing was held relative to the site plan of the "Asheland Center" a medical office condominium project to be located at the corner of Asheland and Southside Avenues.

Mayor Trantham opened the public hearing at 4:14 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission, at a meeting held March 2, 1983, reviewed the site plan of the "Asheland Center," a medical office condominium project to be located at the corner of Asheland and Southside Avenues. The plan was prepared by Six Associates, Inc., for W. R. Martin and American Service Corporation of S.C., Developers, and submitted in accordance with the Group Development Section of the Zoning Ordinance. After review and discussion of the site plan, the Commission voted to recommend approval to City Council subject to the following: 1) Compliance with the City's Erosion Control Ordinance; 2) Approval by the Design Review Board of the Asheville Housing Authority; and 3) Approval by the Asheville Housing Authority.

Mr. Dennie Martin, with Six Associates, Inc., spoke in support of the site plan stating that the proposed use would be good for the Urban Renewal area as well as a boost to the community and downtown.

Mayor Trantham closed the public hearing at 4:20 p. m.

Councilwoman Frank moved for approval of the site plan subject to the conditions imposed by the Planning and Zoning Commission. This motion was seconded by Councilman Pless.

Councilman McDevitt requested that he be excused from voting on the site plan due to his law firm representing parties involved in the development.

Upon motion of Councilman Pless, seconded by Councilwoman Bratton, Councilman McDevitt was excused from voting on the site plan of the "Asheland Center," which motion was unanimously adopted.

PRESENTATION OF LETTER FROM HOUSING AUTHORITY - PAYMENT IN LIEU OF TAXES

The City Manager presented the following letter:

January 27, 1983

Mr. Ken Michalove
City Manager
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mr. Michalove:

Enclosed please find a check for Payment in Lieu of Taxes for the fiscal year ending September 30, 1982, in the amount of \$18,338.20.

If you have any questions concerning this matter, please let me know.

Very truly yours,

/s/ David
David Jones, Jr.
Executive Director

DJJr:cc

Encl.

CLAIMS - GARY JONES (WATER & SEWER) - BILL SCROGGS (WATER & SEWER) - W. C. HENSLEY (PUBLIC WORKS)

LAWSUITS - VIRGINIA REEL ET AL. - TAXPAYERS' SUIT FOR REFUND OF PENALTY FOR LATE PAYMENT

The City Manager presented claims received from Gary Jones, Bill Scroggs, and W. C. Hensley. He also presented a summons served upon the City in connection with Virginia Reel et al, Plaintiff/Petitioner relative to taxpayers' suit for refund of penalty for late payment.

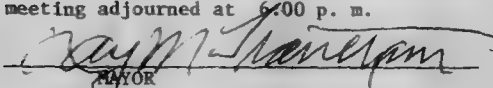
Mayor Trantham referred the claims and lawsuit to the Corporation Counsel for investigation and recommendation.

RADIO MAINTENANCE PROPOSALS PRESENTED TO COUNCIL MEMBERS

The City Manager presented copies of the radio maintenance proposal to members of Council stating that this will be scheduled on the agenda for March 10, 1983.

ADJOURNMENT

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the meeting adjourned at 6:00 p. m.


MAYOR


CITY CLERK

ORDINANCE NO. 1357 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Permitting greenhouses as conditional use in the R-3 Residential Districts)

5. Consideration was given to the second reading of Ordinance No. 1357, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the Zoning of the City of Asheville, as amended, permitting greenhouses as conditional uses in the R-3 Residential Districts.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1357 passed on second reading.

ORDINANCE NO. 1359 - AN ORDINANCE APPROVING THE ASSIGNMENT OF THE FRANCHISE GRANTED TO THE THOMS BROADCASTING COMPANIES, INC. FOR THE MAINTENANCE AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE TO AMERICAN CABLE TV INVESTORS, A LIMITED PARTNERSHIP

6. Consideration was given to an ordinance approving the assignment of the franchise granted to the Thoms Broadcasting Companies, Inc. for the maintenance and operation of a community antenna television system in the City of Asheville to American Cable TV Investors, a limited partnership.

Corporation Counsel William Moore read the ordinance. He said a few technical problems need to be worked out with the ordinance, however, he suggested that Council adopt the ordinance on first reading and amend the ordinance on second or third readings if necessary.

Upon inquiry of Councilwoman Frank, a representative of the American Cable TV Investors, said engineers have been investigating the needs for upgrading the cable system.

Councilman McDevitt moved for the adoption of Ordinance No. 1359. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1359 passed on first reading.

RESOLUTION NO. 83-37 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR MAINTENANCE SERVICE WITH MOTOROLA, INC.

7. Consideration was given to a resolution authorizing the Mayor to sign a contract for maintenance service with Motorola, Inc.

The City Manager read the resolution stating that the City of Asheville operates a two-way FM radio communication system under license from the Federal Communication Commission. It is necessary to provide routine maintenance service to this system to assure its continued operating efficiency. The City desires to secure maintenance service at the lowest possible cost. The City has received a responsible proposal from Motorola, Inc. for providing this service to the City.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, Resolution No. 83-37 was unanimously adopted.

Complete text of Resolution No. 83-37 will be found in Resolution Book No. 13 at page 440.

On a voice vote of 6-0, the site plan for the "Asheland Center" was approved subject to the conditions imposed by the Planning and Zoning Commission.

ORDINANCE NO. 1354 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Creating CBD Central Business District)

3. Consideration was given to the third reading of Ordinance No. 1354, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended, creating the CBD Central Business District.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1354 passed on third and final reading.

Complete text of Ordinance No. 1354 will be found in Ordinance Book No. 9 at page 440.

ORDINANCE NO. 1358 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Signage Requirements of Shopping Centers)

4. Consideration was given to the second reading of Ordinance No. 1358, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended (signage requirements of shopping centers).

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

Verl Emrick, Director of Planning, at the request of Mr. R. L. Coleman, Jr., suggested the following amendment to Ordinance No. 1358:

Amend Paragraph No. 4 of Ordinance No. 1358, Additional Permitted Signage to read as follows:

"Requests for additional signage of a permanent nature for existing shopping centers which is not otherwise permitted by this ordinance shall be reviewed and approved by the Asheville Planning and Zoning Commission. If the request for additional permanent signage is denied, the petitioner may appeal said decision to City Council. Said appeal shall be in writing and filed with the City Clerk within thirty (30) days after the action of the Asheville Planning and Zoning Commission."

Councilman McDevitt moved to amend Ordinance No. 1358 to include the amendment as read by Mr. Emrick. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1358 passed on second reading, as amended.

SCHEDULING PUBLIC HEARING - REZONING PROPERTY LOCATED AT 25 DEAVERVIEW ROAD

12. Councilman McDevitt moved to schedule a public hearing relative to rezoning property located at 25 Deaverview Road from R-3 Residential District to CH Commercial Highway District for March 29, 1983. This motion was seconded by Councilman Pless and carried unanimously.

SCHEDULING PUBLIC HEARING - FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECT USE OF FUNDS JULY 1, 1983 - JUNE 30, 1984

13. Councilman Pless moved to schedule a public hearing relative to the final statement of Community Development Objectives and Projected Use of Funds for July 1, 1983 through June 30, 1984 for March 22, 1983. This motion was seconded by Councilman McDevitt and carried unanimously.

CLAIMS - PAUL S. CROWDER (PUBLIC WORKS) - MARGIE O. HILL (PUBLIC WORKS)

The City Manager presented claims received from Paul S. Crowder and Margie O. Hill.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - SOVIET JEWRY SOLIDARITY DAY - MARCH 15, 1983

Mayor Trantham proclaimed March 15, 1983 as "Soviet Jewry Solidarity Day."

PROCLAMATION - MOTHERS MARCH WEEK - MARCH 20 - 26, 1983

Mayor Trantham proclaimed the week of March 20-26, 1983 as Mother's March Week.

ANNOUNCEMENT OF DEATH OF CITY EMPLOYEE CHRISTINE MORISSETTE

The City Manager announced that Christine Morissette was employed with the City of Asheville in the Keep Asheville Beautiful Department on February 3, 1967 as secretary and transferred to the Water Department on May 30, 1969 as clerk typist. She deceased on March 9, 1983 at which time her position was office assistant.

MAYOR'S ANNOUNCEMENTS - NO MEETING ON MARCH 17, 1983 - MEETING DAY OF COUNCIL CHANGED TO TUESDAY

Mayor Trantham announced that the regular meeting scheduled for March 17, 1983 has been cancelled. He said Council members would be having an all day budget session on March 17, 1983.

Mayor Trantham also announced that at the regular meeting on March 3, 1983 the regular meeting day for Council was changed from Thursday to Tuesday.

BIDS - MOBILE RADIOS FOR THE POLICE DEPARTMENT

8. Consideration was given to bids received February 2, 1983 to furnish 21 Mobile Radios for use by the Asheville Police Department.

The City Manager presented the bids stating that two bids were received and a recommendation received to accept the low bidder, General Electric Company, in the amount of \$18,480. Funding will be General Revenue Sharing Funds.

Councilwoman Frank moved to accept the low bidder, General Electric Company, in the amount of \$18,480 to furnish 21 Mobile Radios for use by the Asheville Police Department. This motion was seconded by Councilman Myers and carried unanimously.

RESOLUTION NO. 83-38 - RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-58.1 (Poseidon Restaurant on U. S. 70)

9. Consideration was given to a resolution directing the City Clerk to investigate a petition received under G. S. 160A-58.1 relative to annexation of the Poseidon Restaurant on U. S. 70.

The City Manager read the resolution.

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 83-38 was unanimously adopted.

Complete text of Resolution No. 83-38 will be found in Resolution Book No. 13 at page 441.

APPROVAL OF PLACEMENT OF BANNERS - MARCH OF DIMES BANNERS

10. Consideration was given to a request to place March of Dimes Banners at several locations in the City of Asheville.

The City Manager said Mr. George Kramer, with Walk American 1983 Committee, has requested permission to hang four (4) 22' x 4' high Banners promoting the March 26 Walk American program. The banners would be erected March 25, 1983 and removed March 28, 1983. The banners will be placed: 1) Downtown - College Street facing East stretching from NCNB to Court House - 2) South - Biltmore Avenue facing South stretching from Hardee's to First Union Bank - 3) North - Merrimon Avenue facing North at Rolling Pin Bakery site - 4) West - Patton Avenue facing West at Krispy Kreme Doughnut site.

Councilman McDevitt moved to approve the request to place the March of Dimes Banners as requested. This motion was seconded by Councilman Pless and carried unanimously.

SCHEDULING PUBLIC HEARING - SITE PLAN OF "PINE STREET APARTMENTS"

11. Councilman McDevitt moved to schedule a public hearing relative to the site plan of the "Pine Street Apartments" to be located on Lot 65 of the East End/ Valley Street Redevelopment Project for March 22, 1983. This motion was seconded by Councilman Pless and carried unanimously.

Thursday - March 22, 1983 - 4:00 p. m.

Regular Meeting

Present: Vice-Mayor Norma T. Price, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Roy M. Trantham (attending a N. C. League of Municipalities Board of Directors Meeting in Raleigh, North Carolina)

INVOCATION

The invocation was given by Councilman Joe Pless.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 10, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, the minutes of the March 10, 1983 meeting were unanimously approved as submitted.

RESOLUTION NO. 83-40 - RESOLUTION OF APPRECIATION TO WILLIAM WILLINGHAM, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

2. Consideration was given to a resolution of appreciation to William Willingham, retiring employee of the City of Asheville.

The City Manager read the resolution stating that Mr. Willingham has been employed by the City of Asheville for over seven years at Riverside Cemetery and retired from service on March 1, 1983.

Upon motion of Councilwoman Bratton, seconded by Councilman Pless, Resolution No. 83-40 was unanimously adopted.

Vice-Mayor Price presented a copy of the resolution to Mr. Willingham.

Complete text of Resolution No. 83-40 will be found in Resolution Book No. 13 at page 443.

PRESENTATION OF THE "TREE CITY USA AWARD"

3. Vice-Mayor Price said for the past three (3) years Asheville has received the award "Tree City USA" in recognition of the many trees planted in Asheville. The Asheville Tree Commission, Quality Forward, Asheville Parks and Recreation, and other city departments work together to make Asheville "Tree City, USA." She recognized members of the Tree Commission, Quality Forward and city staff in attendance at the meeting.

Mr. Tom Thompson, Regional Forester for Western North Carolina with the State Forest Service presented Vice-Mayor Price with the "Tree City USA Award."

DISCUSSION RELATIVE TO "ANGEL PROJECT"

Councilwoman Frank said about three (3) weeks ago Council invited anyone opposed to the proposed "Angel Project" or anyone with other proposals to voice their opinions to Council. She noted that no opposition or other proposals have been received by Council.

APPROVAL OF COST ALLOCATION PLAN PROPOSAL

The City Manager said as discussed in Pre-Council meeting, the City has received a proposal from David M. Griffith and Associates, Ltd. for the preparation of a cost allocation plan for the City based on audited FY '82 information. He said the firm proposes to examine all services provided by the City in order to increase the recovery of the City's administrative costs. He said the firm is well known and is recognized by federal and state agencies. He said their municipal clients in North Carolina include every city of Asheville's size and larger with the exception of Wilmington. He said they are presently helping Buncombe County to recover all of the CETA Program finding with in-kind administrative charges. He said the firm's fees are not payable until the City has actually recovered funds in an amount in excess of their fees which will not exceed \$7,500.

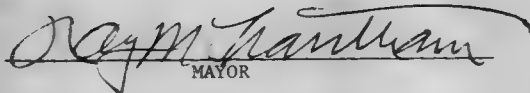
Councilman McDevitt moved to approve the acceptance of the proposal from David M. Griffith and Associates, Ltd for the cost allocation plan. This motion was seconded by Councilman Myers and carried unanimously.

COMMENTS BY HELEN NAOMI - RELATIVE TO "ANGEL PROJECT"

Ms. Helen Naomi thanked members of Council for their support for the "Angel Project."

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Councilman McDevitt, the meeting adjourned at 4:55 p. m.


MAYOR


CITY CLERK

Councilman McDevitt questioned language in the proposed resolution authorizing the Mayor to sign all contract agreements with HUD and other designated agencies involved and to provide such additional information as may be required. He said he felt the Council should review all the contract agreements before the Mayor is authorized to sign the agreements.

After discussion, Council agreed to include language in the resolution that the Mayor would be authorized to sign all contract agreements, approved by the City Council, with HUD and other designated agencies involved and to provide such additional information as may be required.

The City Manager read the resolution.

Upon motion of Councilman McDevitt, seconded by Councilman Frank, Resolution No. 83-41 was unanimously adopted.

Complete text of Resolution No. 83-41 will be found in Resolution Book No. 13 at page 444.

ORDINANCE NO. 1359 - AN ORDINANCE APPROVING THE ASSIGNMENT OF THE FRANCHISE GRANTED TO THE THOMS BROADCASTING COMPANIES, INC. FOR THE MAINTENANCE AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE TO AMERICAN CABLE TV INVESTORS, A LIMITED PARTNERSHIP

6. Consideration was given to the second reading of Ordinance No. 1359, an ordinance approving the assignment of the franchise granted to the Thoms Broadcasting Companies, Inc. for the maintenance and operation of a Community Antenna Television System in the City of Asheville to American Cable TV Investors, a limited partnership.

Vice-Mayor Price said this ordinance was read on first reading on March 22, 1983.

Mr. John Mason, Attorney representing Thoms Broadcasting Companies, Inc., presented members of Council with a proposed amendment to the ordinance approving the assignment of the franchise providing language creating a security interest (collateral assignment) in the franchise. This amendment would provide American Cable TV Investors a means of financing the system. He said the amount of financing would be 37.5 million dollars and that a portion of this amount, 6 million, would be used to acquire, maintain, and enhance the Asheville system. He said no specific capital improvements could be identified at this time.

Councilman Myers questioned the advisability of the proposed amendment placing a collateral assignment on the franchise.

A lengthy discussion followed relative to the proposed amendment concerning the financial, legal, and technicalities of the amendment.

Mr. Mason introduced Mr. Wallace Carpenter of Rutherfordton, North Carolina, who stated that the American Cable TV Investors took over the Rutherfordton system about 2 or 3 years ago and the service and programming has improved.

Mr. John Jerose, General Manager of Thoms Cablevision, strongly supported the adoption of the ordinance stating that Council should move on with the adoption of the ordinance. Upon questioning, Mr. Jerose said American Cable TV would be asking for a rate increase in the near future to increase the profitability of the company. He said Thoms Broadcasting Company has not received an increase in the past three years.

PUBLIC HEARING - SITE PLAN OF THE "PINE STREET APARTMENTS"

4. A public hearing was held relative to the site plan of the "Pine Street Apartments."

Vice-Mayor Price opened the public hearing at 4:15 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Mr. Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a meeting held March 2, 1983 reviewed the site plan of the "Pine Street Apartments" to be located on Lot 65 of the East End/Valley Street Redevelopment Project. After review and discussion of the plan, the Commission voted to recommend approval to City Council, subject to compliance with the City's Erosion Control Ordinance and a variance in the required parking spaces from two spaces per unit to one space per unit since most of the residents do not drive. He said the project will be an eight unit facility for mildly retarded adults. He said the project was presented to the Neighborhood Planning Group. He said no opposition was presented at the Planning and Zoning Commission. He said after Council approval, the final drawings must be approved by the Housing Authority Design Review Board.

Larry Thompson, Executive Director of the Blue Ridge Mental Health and a Board member of the WNC Housing, Inc., spoke in support of the proposed project. He said this type of group setting would provide a strong training program for mildly retarded adults. He said Section 202 HUD funding would be used to finance the project.

Vice-Mayor Price closed the public hearing at 4:22 p. m.

Councilman McDevitt moved to approve the site plan of the "Pine Street Apartments" to be located on Lot 65 of the East End/Valley Street Redevelopment Project subject to compliance with the City's Erosion Control Ordinance and permitting the variance in the required parking spaces to one space per unit. This motion was seconded by Councilman Pless and carried unanimously.

PUBLIC HEARING - FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1983-84

RESOLUTION NO. 83-41 - RESOLUTION AUTHORIZING SUBMISSION OF A FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS - 1983-84

5. A public hearing was held relative to the final statement of Community Development Objectives and Projected Use of Funds for Community Development Block Grant Entitlement Funds for 1983-84.

Vice-Mayor Price opened the public hearing at 4:24 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Logan Delany, Director of Community Development, said Entitlement Funds are granted on a yearly basis to relieve blighted areas of the city and provide for low and moderate income families. He said for the past three (3) years the Community Development funds have focused on the Valley Street/East End project. He said funding this year will be in the amount of \$1,520,000 which will be used to continue the East End/Valley Street project, support for the Economic Development, Planning, and Historic Resources needs. He said there would be a small contingency fund for emergencies.

also think that American Cable TV needs to submit something in writing in terms of specific enhancements because all we will have in the record, when we are finished is some Council minutes."

John Mason, said he represents Thoms Broadcasting, however, American Cable TV is accepting all the terms and conditions of the existing ordinance, and under the terms and conditions they would be accepting the 6% revenue fee.

On a voice vote of 6-0 Councilman Pless' motion to proceed was adopted.

On a roll call vote of 6-0, Ordinance No. 1359 passed on third and final reading.

Complete text of Ordinance No. 1359 will be found in Ordinance Book No. 9 at page 451.

ORDINANCE NO. 1358 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Signage requirements of shopping centers)

7. Consideration was given to the third and final reading of Ordinance No. 1358, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended relative to signage requirements of shopping centers.

Vice-Mayor Price said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1358 passed on third and final reading.

Complete text of Ordinance No. 1358 will be found in Ordinance Book No. 9 at page 448.

ORDINANCE NO. 1357 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED (Greenhouses as conditional uses in the R-3 Residential Districts)

8. Consideration was given to the third and final reading of Ordinance No. 1357, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the Zoning of the City of Asheville, as amended relative to greenhouses as conditional uses in the R-3 Residential Districts.

Vice-Mayor Price said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there is a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1357 passed on third and final reading.

Complete text of Ordinance No. 1357 will be found in Ordinance Book No. 9 at page 446.

Councilman Myers said he had no problem with the ordinance approving the assignment but he did not approve of adding language relative to a security interest being placed on the franchise.

Upon inquiry of Councilman McDevitt, the City Manager said Thoms Broadcasting Companies, Inc. is current with respect to franchise fees due to the City of Asheville in regard to the franchise.

At the request of Council, Mr. John Mason read the proposed amendments to Ordinance No. 1359.

Councilwoman Bratton moved to amend Ordinance No. 1359 as read by Mr. John Mason. This motion was seconded by Councilwoman Frank and carried on a voice vote of 5-1, with Councilman Myers voting "no."

On a roll call vote of 6-0, Ordinance No. 1359, as amended passed on second reading, with Councilman Myers again noting that he had no problem with the assignment but did not approve of the security interest being placed on the franchise.

Councilman Pless moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1359. This motion was seconded by Councilwoman Bratton.

Before the vote to proceed was taken the City Manager made the following statement:

"This has gotten to be an overly complicated discussion. Council hires me to look out for the best interest of the City. To reduce this to the simplest terms, in terms of Thoms Cablevision, they are concerned about some 11,000 - 12,000 customers, that are our customers as well and need to sell. City Council has a concern which is service under this referendum, rate decisions, and service to more than 50,000 people.

Thoms has provided good service, no complaints about that. We have forwarded complaints to them as we have received them. But it seems to me that the City has spent, just in the time I have been City Manager, thousands of dollars interpreting the existing ordinance, just in how complicated that is. It seems to me that the ordinance proposed here is unnecessarily complicated. It needs but to say two things. One whereas which is, whereas in Section 23 thou shalt assign, if you are satisfied with American Cable TV Investors and one now, therefore, which is, you agree to make that assignment and everything else is unnecessary. I think it overly legally complicates future decisions, by future City Councils and is really unnecessary. It opens up the kinds of concerns that we have about security and it is just unnecessary. Now, it may be necessary to consummate a sale but I don't know, and this is Council's decision, whether you want to enter that part of the concern or whether that is a concern between Thoms Cablevision and American Cable TV. Now, Daniels has been mentioned a number of times by all parties, it is not mentioned in the ordinance, as a company.

There is another matter that has been agreed to, in principle, by Thoms, there is a conflict between the existing ordinance and federal law which was passed, I think, about two years ago, that sets a limit on (1972) 3% and the ordinance deals with a 6% revenue consideration. John Jerosé in the past has agreed to, and the company has agreed to continue paying that. I think American Cable TV needs not only to speak to that but to submit something in writing. I

Upon motion of Councilman Pless, seconded by Councilman McDevitt, Resolution No. 83-44 was unanimously adopted.

Complete text of Resolution No. 83-44 will be found in Resolution Book No. 13 at page 449.

SCHEDULING OF PUBLIC HEARING - SITE PLAN OF THE PROPOSED "MONTFORD MEWS" TOWNHOUSES

13. Consideration was given to a motion scheduling a public hearing relative to the site plan of the proposed "Montford Mews" townhouses for April 5, 1983.

Councilman McDevitt moved to schedule a public hearing relative to the site plan of the proposed "Montford Mews" townhouses for April 5, 1983. This motion was seconded by Councilman Pless and carried unanimously.

Ms. Joyce Cantalakis read the following prepared statement on behalf of Ken Richards, President of the Montford Community Club:

PREPARED FOR PRESENTATION TO ASHEVILLE CITY COUNCIL ON 22 MARCH 1983
ON BEHALF OF THE MONTFORD COMMUNITY CLUB
SUBJECT: PROPOSED MONTFORD MEWS DEVELOPMENT

1. The Montford Community Club has taken serious issue with the activity involving the Proposed Montford Mews Development. The basic concerns are:

- a. Portions of the Development do not adhere to the Montford Developmental Guidelines.
- b. The Asheville-Buncombe Historical Resources Commission has violated these guidelines by granting the Certificate of Appropriateness.
- c. The Board of Adjustment has overstepped its authority in ordering the Historic Resources Commission to make a certain decision/take a specific action.

AFTER DISCUSSING THE MATTER WITH THE ATTORNEY GENERALS OFFICE FOR THE STATE OF NC, BEING ADVISED BY ROBERT PITTS LOCAL ATTORNEY AND BY THE CITY ATTORNEY, BILL MOORE, I REALIZE THAT THE ABOVE MATTER MUST FOLLOW DUE PROCESS AND THAT THE MONTFORD COMMUNITY CLUB MUST TAKE THE CASE TO SUPERIOR COURT FOR FURTHER ACTION.

I have been directed by the Montford Community to appoint a committee of Club members to begin a fund raising drive to support the court action.

I AM ASKING THAT THE CITY COUNCIL TAKE NOTE OF THE CLUBS POSITION.

2. You all have copies of the OBJECTION TO ISSUANCE OF CERTIFICATE OF APPROPRIATENESS reference the hearing held on 9 March 1983 by the Historic Resources Commission. I AM ASKING THAT THIS DOCUMENT BE ENTERED INTO THE RECORD OF TODAYS CITY COUNCIL MEETING.

3. We are asking for City Councils support in drawing approval for this project as it now stands when it is brought to you on 5 April 1983.

4. I AM ASKING THAT COUNCIL PLANNING COMMITTEE COMPOSED OF MS. PRICE, MR. McDEVITT AND MS. BRANTON AGREE TO MEET WITH THE EXECUTIVE BOARD OF THE MONTFORD COMMUNITY CLUB, AS SOON AS POSSIBLE BEFORE 5 APRIL, TO DISCUSS THE ORDINANCE THAT GOVERNS THE COMMUNITY, THE ENFORCEMENT OF IT, THE INTENT OF IT, THE BUSINESS OF IT.

REPORT FROM CITY CLERK - CERTIFICATE OF SUFFICIENCY ON ANNEXATION PETITION
SPECIFIED IN RESOLUTION NO. 83-38 (Poseidon Restaurant on U. S. 70)

9. The City Clerk presented the Certificate of Sufficiency relative to an annexation petition specified in Resolution No. 83-38, adopted March 10, 1983 relative to annexation of the Poseidon Restaurant on U. S. 70.

RESOLUTION NO. 83-42 - RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO G. S. 160A-58.2, AS AMENDED (Poseidon Restaurant on U. S. 70)

10. Consideration was given to a resolution fixing date of public hearing on question of annexation pursuant to G. S. 160A-58.2, as amended, for April 12, 1983.

The City Manager read the resolution.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 83-42 was unanimously adopted.

Complete text of Resolution No. 83-42 will be found in Resolution Book No. 13 at page 446.

RESOLUTION NO. 83-43 - RESOLUTION SUPPORTING GENERAL REVENUE SHARING PROGRAM

11. Consideration was given to a resolution supporting General Revenue Sharing Program.

The City Manager read the resolution.

Councilman McDevitt said he was opposed to the concept of Revenue Sharing nationally. He said he felt every one would be better off if they were not taxed for Revenue Sharing in the first place.

Councilwoman Frank spoke in support of the resolution stating that Revenue Sharing comes from federal income taxes and therefore at least the citizens are getting some of this back.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 83-43 was adopted on a voice vote of 5-1, with Councilman McDevitt voting "no."

Complete text of Resolution No. 83-43 will be found in Resolution Book No. 13 at page 448.

RESOLUTION NO. 83-44 - RESOLUTION AUTHORIZING THE DELAY OF THE ACCRUAL OF INTEREST
ON CERTAIN UNPAID AD VALOREM PROPERTY TAXES

12. Consideration was given to a resolution authorizing the delay of the accrual of interest on certain unpaid ad valorem property taxes.

The City Manager read the resolution which stated that on March 11, 1983 the General Assembly of North Carolina adopted House Bill 249 authorizing the City of Asheville to pass a resolution relieving the tax collector of collecting interest on unpaid tax receipts for 1982 taxes unless the tax receipts remain unpaid after April 1, 1983.

Upon inquiry of Councilwoman Bratton, the Corporation Counsel said it is legally possible to appoint someone to the Asheville School Board who lives in the City Limits of Asheville but not necessarily in the Asheville City School District.

Rev. Wendell Christopher of St. James AME Church, said he was speaking on behalf of the Asheville chapter of the National Association for the Advancement of Colored People, the Baptist Ministerial Alliance and the Inter-Denominational Ministerial Alliance, and supported the appointment of Rev. Nilous M. Avery to the Asheville School Board. He also presented several petitions in support of the appointment of Rev. Avery.

After discussion, Councilman Myers moved to table the resolution until next week until full representation of the Council is present. This motion was seconded by Councilwoman Bratton, which motion was defeated on a voice vote of 4-2, with Councilman Myers and Councilwoman Bratton voting "yes."

Council then voted on Councilwoman Bratton's substitute motion to appoint Rev. Avery and Ms. Franklin, which motion was defeated on a vote of 4-2 with Councilwoman Bratton and Councilman Pless voting "yes."

Council then decided to vote on the appointment of the two individuals to the Asheville School Board separately.

Vice-Mayor Price then called for a vote to appoint Mr. John Quigley to the Asheville School Board, which vote carried on a voice vote of 4-2, with Councilwoman Bratton and Councilman Pless voting "no."

Vice-Mayor Price then called for a vote to appoint Ms. Eleanor Franklin to the Asheville School Board, which vote carried on a voice vote of 6-0.

Vice-Mayor Price then declared Mr. John Quigley and Ms. Eleanor Franklin as members of the Asheville School Board.

Complete text of Resolution No. 83-46 will be found in Resolution Book No. 13 at page 451.

Complete text of Resolution No. 83-47 will be found in Resolution Book No. 13 at page 452.

At this time Vice-Mayor Price turned the chair over the Councilwoman Frank to preside over the meeting since she had to leave the meeting to give a welcome.

CLAIMS - RICHARD MAYS (WATER & SEWER) - ELIZABETH K DAN (WATER & SEWER) - LEWIS MONGIOVI (WATER & SEWER) - FRANCIS MANLEY (WATER & SEWER) - RUTH P. TEETER (POLICE DEPARTMENT)

The City Manager presented claims received from Richard Mays, Elizabeth Kdan, Lewis Mongiovi, Francis Manley, and Ruth P. Teeter.

Councilwoman Frank referred the claims to the Corporation Counsel for investigation and recommendation.

227

The Planning Commission, consisting of Vice-Mayor Price, Councilwoman Bratton, and Councilman McDevitt agreed to meet with the Montford Community Club as requested.

Upon inquiry of Mr. David Matney, attorney representing the developer of the "Montford Mews" Vice-Mayor Price said she would ask Mr. Ken Richards if he would mind if Mr. Matney attended the meeting since Mr. Richards has asked for the meeting.

RESOLUTION NO. 83-45 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE (Used tires)

14. Consideration was given to a resolution authorizing the Purchasing Director to dispose of property by private sale at a negotiated price.

The City Manager read the resolution which stated that the Motor Transport Division has approximately 200 used tires for which the city has no use. The Motor Transport Superintendent has declared these tires surplus.

Upon motion of Councilman Myers, seconded by Councilman Pless, Resolution No. 83-45 was unanimously adopted.

Complete text of Resolution No. 83-45 will be found in Resolution Book No. 13 at page 450.

RESOLUTION NO. 83-46 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD (Mr. John Quigley)

RESOLUTION NO. 83-47 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE SCHOOL BOARD (Ms. Eleanor H. Franklin)

15. Consideration was given to resolutions appointing members to the Asheville School Board.

The City Manager read a resolution appointing Mr. John Quigley and Ms. Eleanor H. Franklin as members of the Asheville School Board.

Councilwoman Frank moved for the adoption of the resolution appointing Mr. Quigley and Ms. Franklin as members of the Asheville School Board. This motion was seconded by Councilman Pless.

Councilman Pless said he seconded the motion in order to get the resolution on the floor for discussion.

Councilwoman Bratton made a substitute motion to appoint Rev. Nilous M. Avery and Ms. Eleanor Franklin as members of the Asheville School Board. This motion was seconded by Councilman Pless.

Vice-Mayor Price commented that she felt Rev. Avery was a very capable person to appoint to the School Board, however, he did not live in the Asheville City School District. She said she felt members of the School Board should live in the City School District as the board members have taxing authority and could levy a tax without being taxed themselves.

Tuesday - March 29, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove, and Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 22, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Pless, the minutes of the March 22, 1983 meeting were unanimously approved as submitted.

RESOLUTION NO. 83-48 - RESOLUTION COMMENDING ASHEVILLE HIGH SCHOOL ON THEIR PARTICIPATION IN THE INTERNATIONAL EXCHANGE PROGRAM AND RECOGNIZING THE FOREIGN EXCHANGE STUDENTS FROM JAPAN, HOLLAND, NORWAY, TURKEY, AND GERMANY THAT ARE PARTICIPATING IN THE PROGRAM

2. Consideration was given to a resolution commending Asheville High School on their participation in the International Exchange Program and recognizing the foreign exchange students from Japan, Holland, Norway, Turkey, and Germany that are participating in the programs.

The City Manager read the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, Resolution No. 83-48 was unanimously adopted.

Complete text of Resolution No. 83-48 will be found in Resolution Book No. 13 at page 453.

Mayor Trantham recognized each of the students attending the meeting presenting them with a package containing a letter of welcome and thanks and a copy of the resolution.

RESOLUTION NO. 83-49 - RESOLUTION ENDORSING PASSAGE OF A ROOM TAX FOR PROMOTION OF THE TRAVEL AND TOURISM INDUSTRY FOR THE ASHEVILLE-BUNCOMBE COUNTY AREA

3. Consideration was given to a resolution endorsing passage of a room tax for promotion of the travel and tourism industry for the Asheville-Buncombe County area.

The City Manager read the resolution stating that room tax legislation is now being considered by the North Carolina General Assembly and the City of Asheville depends on the travel and tourist industry for economic health and growth and recognizes the need for adequate funding for promotion of the travel and tourist industry.

Mr. Dick Trammel, Director of the Chamber of Commerce's convention and visitors bureau, spoke in support of the resolution stating that at least 90 percent of the room tax revenues would be used for the promotion of the Asheville area as a tourist attraction. He said the legislation is expected to be introduced in the General Assembly before the end of this week.

203

REQUEST FROM RETIRED POLICE OFFICERS - INCREASE IN PENSION BENEFITS

Mr. John Best, a retired police officer, appeared before Council stating that approximately six weeks ago the retired officers appeared before Council requesting a cost of living increase in their pension benefits. He asked if any action had been taken on their request.

Councilman Pless said the Fringe Benefit Committee is presently working on a plan for increases in police pension benefits for the retired police officers and their widows. He said the Committee has not completed the project.

Mr. Garland Wible, a retired police officer, also spoke in favor of pension increases for the people on low pensions.

After a brief discussion, the retired police officers requested that Council members meet with them to come up with a plan.

The majority of Council members agreed to meet with the retired officers.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES IN ASHEVILLE

Ralph Bishop again spoke to Council relative to the lottery sales in Asheville.

ADJOURNMENT

Upon motion of Councilwoman Bratton, seconded by Councilman McDevitt, the meeting adjourned at 7:15 p. m.

Wayne Lanthorn
MAYOR

William E. McDevitt
CITY CLERK

ORDINANCE NO. 1361 - A BUDGET ORDINANCE AMENDMENT TO ELIMINATE THE "DUE FROM WATER AND SEWER FUND" ACCOUNT IN THE CITY'S GENERAL FUND

6. Consideration was given to a budget ordinance amendment to eliminate the "Due from Water and Sewer Fund" account in the City's General Fund.

The City Manager read the ordinance which stated that this budget amendment in the amount of \$841,186.00 is to eliminate the "Due from Water & Sewer Fund" Account in the City's General Fund. Said account was established in Fiscal 1970 and represents Water Operating Fund cash deficits accumulated through June 30, 1970. In the opinion of City Council, said amounts have been offset by non-accounted for benefits from the Water Fund to the General Fund since 1970. This entry does not affect the Fund balance available for appropriation in the General Fund.

Councilman Pless moved for the adoption of Ordinance No. 1361. This motion was seconded by Councilwoman Bratton.

On a roll call vote of 7-0, Ordinance No. 1361 passed on first and final reading.

Complete text of Ordinance No. 1361 will be found in Ordinance Book No. 9 at page 455.

BIDS - HERBICIDE FOR PUBLIC WORKS - STREET DIVISION

7. Consideration was given to bids received March 15, 1983 for Herbicide for Public Works - Street Division.

The City Manager presented the bids stating that sealed bids were received to furnish a term contract to supply the Street Division with an estimated herbicide requirement of 250 gallons during the 1983 weed control season. Seven bids were submitted. Recommendation to award this contract to the low bidder, Helena Chemical Company, Enfield, N. C. in the amount of \$17,620.00. Purchases will be made on an as needed basis at the unit price of \$70.48/gal. Funding will be from the Street Division appropriation, Account Code 10-427-038.

Councilman Pless moved to accept the bid of Helena Chemical Company in the amount of \$17,620.00 for herbicide requirement of 250 gallons during the 1983 weed control season on an as needed basis at the unit price of \$70.48/gal. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 83-50 - RESOLUTION OF INTENT TO PARTICIPATE IN THE NCAEC'S LOCAL GOVERNMENT ENERGY OFFICER PROGRAM AS ADMINISTERED BY THE LAND-OF-SKY REGIONAL COUNCIL (LOSRC)

8. Consideration was given to a resolution of intent to participate in the NCAEC's Local Government Energy Officer Program as administered by the Land-of-Sky Regional Council (LOSRC).

225
Mr. Ralph Bishop spoke in opposition to the resolution.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Bratton, Resolution No. 83-49 was unanimously adopted.

Complete text of Resolution No. 83-49 will be found in Resolution Book No. 13 at page 454.

PRESENTATION BY QUALITY FORWARD - CLEAN COMMUNITY PROGRAM OF THE "PERSONAL PICK-UP PROGRAM"

4. Mrs. Jean Webb, Director of the Quality Forward, presented the details of the Quality Forward - Clean Community Program of the "Personal Pick-up Program." She said this was a new litter awareness campaign and involves pledge cards which once signed, represents an individual's commitment to pick up at least one piece of litter each day.

Upon the request of Mrs. Webb, each member of Council signed pledge cards to start the campaign.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT 25 DEAVERVIEW ROAD - REQUEST OF MR. AL RODGERS

ORDINANCE NO. 1360 -

5. A public hearing was held relative to rezoning property located at 25 Deaverview Road.

Mayor Trantham opened the public hearing at 4:43 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Sonya Luckadoo, with the Planning Department, said the Asheville Planning and Zoning Commission at a meeting held March 2, 1983, considered the petition of Mr. Al Rodges that Lot 16 and a portion of Lot 319, Sheet 19, Ward 5, be rezoned from R-3 Residential District to CH Commercial Highway District. After review and discussion, the Commission voted to recommend to City Council that the petition be approved subject to appropriate buffering being provided.

Ms. Luckadoo, by the use of a map, reviewed the location of the property in question. She said there was no opposition voiced at the Planning and Zoning Commission. She said Planning and Zoning Commission has recommended the rezoning subject to a 5' buffering zone being placed between the residential property and the commercial property.

Mayor Trantham closed the public hearing at 4:47 p. m.

The City Manager said members of Council were furnished copies of the proposed ordinance, therefore the ordinance would not be read in its entirety.

Councilman McDevitt moved for the adoption of Ordinance No. 1360. This motion was seconded by Councilman Pless.

On a roll call vote of 7-0, Ordinance No. 1360 passed on first reading.

Following these remarks, councilwoman Wilhemina Bratton asked the City Attorney, Mr. William Moore to read from a memorandum prepared by Charlotte Hutchison, a Research Analyst. Mr. Moore read from paragraph 5 page 1 which states in essence that since 1941, in chapter 260 of the Private Laws, the Private law of 1931 was amended to read, "and all members of said Board shall be residents of the City of Asheville". In spite of three further changes in 1947, 1951, and 1953, none of the changes affected this statement indicating that members of the Board, could be residents who lived in the City of Asheville, as opposed to being in the Asheville City School District.

This information being given, councilman Mayors then presented a motion to table the matter until Mayor Trantham was present, Vice-Mayor then related that there was no need to table as there was no indication of a tie vote on the proposed appointments. This tends to make one wonder about the true reason for the statement presented at the opening of this matter. One could suggest that the issue of where the person resided was a smoke screen to cover a lack of fairness on the part of some members of our City Council, because this same issue had been used in the past to subvert the will of the citizens of Asheville. Why had members of the City Council used this play for 42 years when they only had to check the City laws to find out it held no water. Why did not Councilman Larry McDivitt, who is a lawyer, not check the record, could it be that there was some thought that the truth would not be uncovered? These questions need answers if the minority citizens of Asheville are to believe the statements made prior to the appointments.

We feel that a great injustice has been done to the citizens of Asheville and personalized in Dr. Nilous Avery. We call upon the Asheville City Council to show fairness and a sense of justice to all its citizens and as a help to future appointments. We would recommend that the City Council consider the following:

1. The expansion of the number of persons who sit on the Asheville City School Board.
2. The number of years members of the Asheville City School Board serve.

May we close by saying that the responsibility of those who are privileged to serve, is to serve all the citizens of the City with fairness, Justice and truth. Further that the day is long past when we can afford to feeling of ill feeling between the majority and minority citizens of the fair City of Asheville.

Members of Council advised Rev. Christopher that they were aware of the fact that according to General Statutes school board members must live in the City but are not required to live within the city school district. They said they were aware of the the law when the matter was voted upon on March 22, 1983. Several members of Council said, however, they personally feel that school board members should live in the school district.

Councilman Myers advised Rev. Christopher that City Council is considering proposing legislation to expand the board from five to seven members and reducing the terms from six to four years.

The City Manager read the resolution stating that the City of Asheville desires to reduce its energy costs and consumption in government operations. The curtailment and reduction in energy use is heavily dependent on having a coordinator responsible for implementing the programs necessary to make such reductions. The Land-of-Sky Regional Council, through a contract with the North Carolina Alternative Energy Corporation, is guaranteeing through its Local Government Energy Officer Program that a portion of such an energy coordinator's salary and benefits will be recovered over a two-year period by the City of Asheville or the Land-of-Sky Regional Council will reimburse the City of Asheville any shortfall as described in the proposal for the Local Government Energy Officer Program dated March 3, 1983. This resolution will authorize the participation by the City of Asheville for a period of two years in the Local Government Energy Officer Program

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-50 was unanimously adopted.

Complete text of Resolution No. 83-50 will be found in Resolution Book No. 13 at page 455.

CLAIMS - MR. & MRS. JOHN E. SHACKELFORD (WATER & SEWER) - MRS. AUSTIN BELL (PUBLIC WORKS) - JACK AND JUNE CORDELL (WATER & SEWER) - PAUL LITRELL (CIVIC CENTER) - ROBERT HALL (WATER & SEWER)

9. The City Manager presented claims received from Mr. and Mrs. John E. Shackelford, Mrs. Austin Bell, Jack and June Cordell, Paul Littrell, and Robert Hall.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

DISCUSSION RELATIVE TO APPOINTMENTS TO THE ASHEVILLE SCHOOL BOARD

10. Rev. Wendall Christopher of the St. James AME Church speaking on behalf of the Inter-Denomination Ministerial Alliance read the following statement:

During the March 22nd meeting of the Asheville City Council, at which time the appointments to the Asheville City School Board were made, Vice-Mayor, Norma Price, prefaced the issue of the appointments with the statement, that Dr. Nilous M. Avery, was a fine outstanding man and an outstanding citizen of the City of Asheville, but due to the fact that he did not live in the City School District she was unable to vote for his appointment to the Asheville City School Board.

Councilman Larry McDivitt also spoke on the capabilities and the character of Dr. Avery, but could not support his appointment, as it would mean that he would be in a position to levy taxes, he would not have to pay himself as he was not in the Asheville City School District, however, these councilpersons failed to acknowledge that councilman Joe Pless does not live in the City School District, yet he can appoint persons to serve on the City School Board who will levy those taxes, that he will not have to pay.

REQUEST FOR SPECIAL REZONING STUDY - CHURCH STREET AND RAVENSCROFT DRIVE NEIGHBORHOOD

12. Attorney William F. Wolcott, III, representing Donny Luke with the Architectural Design Studio on Church Street, presented a petition requesting that Council initiate a special study by the Planning and Zoning Commission to determine if a change in zoning of the Church Street and Ravenscroft Drive is warranted. They requested that the Planning and Zoning Commission study a zoning change to an R-4 High Density Residential designation. They also requested that a moratorium be placed on building permits in this area until the study is completed and a decision can be reached.

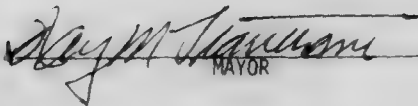
After discussion, Councilwoman Frank moved to refer the petition to the Planning and Zoning Commission for study and recommendation and that a public hearing be scheduled relative to the consideration of an ordinance imposing a moratorium on building permits in the Ravenscroft Drive and Church Street area until the study is complete for April 12, 1983. This motion was seconded by Vice-Mayor Price and carried unanimously.

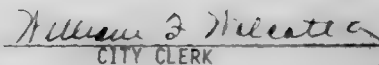
RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES IN THE CITY OF ASHEVILLE

Ralph Bishop again spoke to Council relative to the lottery sale operations in the City of Asheville.

ADJOURNMENT

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, the meeting adjourned at 5:55 p. m.


MAYOR


CITY CLERK

NOTICE OF CLAIM - BY CECIL C. JACKSON, JR., ATTORNEY FOR C. E. REVELL -
RELATIVE TO ISSUANCE OF BUILDING PERMIT NO. 14680

11. Attorney Cecil C. Jackson, Jr., attorney for C. E. Revell presented the following notice of claim against the City of Asheville:

NORTH CAROLINA

BUNCOMBE COUNTY

FILED

CITY OF ASHEVILLE

NOTICE OF CLAIM

FEB MAR 29 PM 3:44

CLERK OF SUPERIOR COURT, C.S.C.

TO: THE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE

YOU ARE HEREBY PRESENTED AND GIVEN NOTICE of this claim pursuant to the Charter of the City of Asheville whereby C. E. Revell claims damages in the sum of Six Thousand Two Hundred (\$6,200.00) Dollars, arising from the issuance of Building Permit No. 14680 approved March 4, 1982 by this city for the installation of a 8' x 40' accessory building to be located at 67 Rash Road, Asheville, North Carolina; and the revocation of said permit by letter dated March 9, 1983 by Gary McDaniels, Zoning Enforcement Officer, Inspections Division, City of Asheville. That said letter was received by the property owner on or about March 11, 1983, at which time this cause of action arose.

It is specifically claimed that expenses for the purchase of this accessory building, moving, placement, repairs and foundation for same were incurred by this claimant by the reliance and approval of said permit prior to above notice of revocation. That additional damages for the removal of said building are also claimed although the amount is not ascertainable at this time.

Wherefore, the claimant makes demand for the sum of SIX THOUSAND TWO HUNDRED (\$6,200.00) DOLLARS, as actual or compensatory damages suffered because of the issuance and approval of said permit and of the revocation of same more than one year later.

This 29th day of March, 1983.



CECIL C. JACKSON, JR.
Attorney for C. E. REVELL
18 South Pack Square
Asheville, N. C. 28801

704/252-1562

CCJ:js Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

300

PUBLIC HEARING - SITE PLAN OF THE PROPOSED "MONTFORD MEWS" TOWNHOUSES

4. A public hearing was held relative to the site plan of the proposed "Montford Mews" townhouses.

Mayor Trantham opened the public hearing at 4:17 p. m.

The Associate City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Asheville Planning and Zoning Commission at a called meeting held November 17, 1982, reviewed the site plan of the proposed "Montford Mews" townhouses to be located on Montford Avenue. The plan was prepared by Richard L. Thornton, Architect, for Salfrende, Inc., Developer, c/o Mrs. Elizabeth Graham, Town and Country Realty, and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion, the Commission voted unanimously to recommend approval of the site plan to City Council subject to the following conditions:

- 1) Final approval of Erosion Control Plan;
- 2) Execution of necessary encroachment agreements for the proposed buffering on Pearson;
- 3) Execution of release of damage forms to provide for garbage and refuse pickup by the City;
- 4) Landscaping as shown on drawing for wall; and
- 5) Wall to be constructed off right-of-way. (Wall to be straight instead of a corner situation at Chestnut and Pearson and to be incorporated into buffering agreement.)

Mr. Emrick said all the conditions outlined by the Planning and Zoning Commission are in the process of compliance. He said water and sewer are available to the project with the lines being dedicated to the City of Asheville.

Mr. Emrick said the project was reviewed by the Historic Resources Commission and the Board of Adjustments as required. He said a Certificate of Appropriateness was issued by the Historic Resources Commission. He said any further action to be taken pursuant to the Board of Adjustment's decision would have to go to the courts, since Council does not have the authority to overrule decisions made by the Board of Adjustments. He said Council should consider the project based on it's own merits and not what action has been taken by the Historic Resources Commission or the Board of Adjustments. He said the Historic Resources Commission reserved the right to review specific individual units and approve each unit.

Upon inquiry of Vice-Mayor Price, Mr. Emrick said Council has the authority to deal with the proposed walls for the development.

Mr. Bill Underwood, 208 Pearson Drive read the following statement on behalf of the Montford Community Club in absence of the President of the Club, Mr. Ken Richards:

5 April 1983

TO: The Mayor and City Council of the City of Asheville

FROM: The Montford Community Club

Tuesday, April 5, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Gordon Myers; Corporation Counsel William C. Moore, Associate City Manager/ City Clerk William F. Wolcott, Jr., Deputy City Clerk Carol Hensley.

Absent: Councilman Larry McDevitt (due to illness)
City Manager K. M. Michalove (vacation)

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the March 29, 1983 meeting.

Upon motion of Councilman Pless, seconded by Vice-Mayor Price, the minutes of the March 29, 1983 meeting were unanimously approved as submitted.

PROCLAMATION - "LIFE OF THE ARTS FESTIVAL" - APRIL 15, 1983

2. Mayor Trantham proclaimed April 15, 1983 as "Life of the Arts Festival" in the City of Asheville.

RESOLUTION NO. 83-51 - RESOLUTION AUTHORIZING CERTAIN OFFICIAL ACTION RELATIVE TO THE "LIFE OF THE ARTS FESTIVAL"

3. Consideration was given to a resolution authorizing certain official action relative to the "Life of the Arts Festival."

The Associate City Manager read the resolution which stated that it is the expressed intent of the Asheville City Council to support and encourage special events in the downtown as one way of encouraging the revitalization of the same. The Community Arts Council of Western North Carolina and JMB Property Management Corporation have initiated a spring time festival known as "Life of the Arts Festival" to be held on April 15, 1983 from 11:30 a. m. to 2:30 p. m. This resolution will authorize the selling on the streets and sidewalks, waiving privilege licenses for same, and approval of two banners in connection with the festival.

Mayor Trantham presented the proclamation to Connie Collins who spoke in support of the resolution and outlined the details planned for the festival.

Mr. Bill Fesperman, Past President of the Arts Council, spoke in support of the resolution.

Upon motion of Councilman Pless, seconded by Councilwoman Bratton, Resolution No. 83-51 was unanimously adopted.

Complete text of Resolution No. 83-51 will be found in Resolution Book No. 14 at page 1.

Mr. Matney said buffering would be provided in front of the 6' proposed wall on Pearson Drive to soften the effects of the wall.

He said the project would answer several problems for Asheville. He said it would answer a need for additional housing, 23 owner-occupied residents, \$1 million in construction and additional taxes for the City of Asheville. He said the project is conveniently located to downtown and is good for the existing neighborhood. He said this would provide new people in the area on what is presently on an unsightly vacant lot.

Mr. Matney said he received signatures from several property owners in the area in favor of the project.

Upon inquiry of Councilman Myers, Mr. Matney said he felt the back units would be easier to sell if Council allowed the 6' proposed wall to remain.

Councilwoman Bratton said it was her feeling that fences and walls provide a feeling of isolation.

The following individuals spoke in opposition to the proposed project mainly objecting to the 6" proposed wall along Pearson Drive and the units nearest Pearson Drive facing away from the street:

Ms. Daphnie Hooker

Ms. Mary Jo Brezney (also presenting slides of existing walls in the Montford area. She also noted that a variance on lot size was granted by Planning and Zoning)

Ms. Terri Grooms - requested Council to appeal the decision of the Board of Adjustment to the courts enabling the community not to expend funds to correct a wrong decision)

Mr. Ernie Thurston

Mr. Cam Metcalf

Ms. Kathleen Garren, 56 Pearson Drive

The following individuals spoke in favor of the project:

Mr. Bob Smith (However, he favored a 4' wall on Pearson Drive and the back units to face Pearson Drive)

Mr. Chuck Curtis

Mr. Robert Griggs

Ms. Sherry Jones

Resident of 127 Montford Avenue

Councilman Pless said he would like to see a rendering of the townhouses that would be on Pearson Drive showing the proposed wall before he voted on the issue. He asked that the developers meet with the residents of the area and review the renderings.

Mayor Trantham said the City of Asheville needs more residents in the City and felt like the project would bring more people in the City.

Mayor Trantham closed the public hearing at 5:55 p. m.

"The Montford Community Club, responding to a vote of its members, wants the Asheville City Council to know that it seriously objects to the "Montford Mews" project, proposed as a housing development to front on Montford Avenue and back toward Pearson Drive. The Club does not object to development of the land involved so long as it is faithful in spirit to regulations written to protect and maintain the historic character and authenticity of one of the nation's outstanding historical districts. Because ours is an old neighborhood, it is especially sensitive to cavalier treatment, and because you are our elected representatives, we appeal to you for help.

Montford Mews Ltd. proposes a development in Montford which, by virtue of its design, would act as an introverted community, an island walled off and turned away from the large Montford community. This is entirely out of keeping with simple community, not to mention the character of the Montford Historic District. It is as if the Developers expect potential buyers to see Montford as a negative factor.

Two features in particular would surely damage the Montford District. They are 1) a wall, two feet higher than Montford Design Review Guidelines recommend, running approximately 200 feet, and 2) housing units - those nearest to Pearson Drive - which face away from the street, so that residents across the street would face the back of their neighbors' houses. The wall and the orientation of the Pearson Drive units would relegate Pearson Drive to the status of an alley.

This proposed rupture of our community is offensive. It would effectively stop development on Pearson Drive, whereas if the governing ordinance and guidelines were embraced by the Developers, it could serve them positively, and development would be protected. The tax base thus established would enrich not only the City of Asheville, but Montford itself.

Mr. Graves, president of the developing corporation and owner of the land in question, is quoted in The Asheville Times (28 March 1983) as saying, "We hoped that we were doing what the majority would be in agreement with..." He must not be aware that the majority disagree with the Montford Mews plan as it now stands. We are quite earnest when we say here that we would be pleased to sit down with him and discuss our common wish to meet the needs of the community.

If approval is given to Montford Mews as it is proposed, a precedent will be set for unregulated development, not only affecting Historic Montford, but also other historic districts.

We will very much appreciate your aid in a successful resolution of this crisis."

Mr. David Matney, attorney representing the developers, spoke in support of the project. He said there are approximately 600 houses in the Montford Area, and at the Montford Community Club meeting when a vote was taken relative to the proposed project only 25 votes were taken in total. He said the project entails 23 individual units consisting of 1200-1800 square feet in the cost range of \$45,000 - \$65,000. He said the project is a planned development with primarily custom built units. He said the owners would own the building and part of the wall around the unit. He said the project would have private streets and sidewalks. He said the lots would be very small with very little rear yards. He said the 6' wall would provide a feeling of privacy. He said the guidelines of the Historic Resources Commission state that walls and fences should not exceed 4 feet rather than "shall not" exceed 4 feet. He said this provides for flexibility.

RESOLUTION NO. 83-53 - RESOLUTION PROVIDING FOR THE ISSUANCE OF \$870,000 PUBLIC IMPROVEMENT BOND ANTICIPATION NOTES

8. Consideration was given to a resolution providing for the issuance of \$870,000 Public Improvement Bond Anticipation Notes.

The Associate City Manager read the resolution stating that this will provide for the issuance of \$580,000 Public Vehicle Maintenance Facility Bonds and \$305,000 Bridge Bonds.

Upon motion of Councilman Myers, seconded by Councilwoman Frank, Resolution No. 83-53 was unanimously adopted.

Complete text of Resolution No. 83-53 will be found in Resolution Book No. 14 at page 3, 4, and 5.

RESOLUTION NO. 83-54 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL (Mr. Ken Kindley)

9. Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The Associate City Manager read the resolution which appointed Mr. Ken Kindley as a member of the Council.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-54 was unanimously adopted.

Complete text of Resolution No. 83-54 will be found in Resolution Book No. 14 at page 6.

RESOLUTION NO. 83-55 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL (Dr. Kenneth E. Hornowski)

10. Consideration was given to a resolution appointing member to the Adult Advisory Board of the Asheville-Buncombe County Youth Council.

The Associate City Manager read the resolution which appointed Dr. Kenneth E. Hornowski as a member of the Council.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-55 was unanimously adopted.

Complete text of Resolution No. 83-55 will be found in Resolution Book No. 14 at page 7.

RESOLUTION NO. 83-56 - RESOLUTION APPROVING THE ACCEPTANCE OF REVISED ENGINEERING SERVICE PROPOSALS FROM THOMPSON-GORDON-SHOCK ENGINEERS, INC. FOR THE REPLACEMENT/REHABILITATION OF THE GASHES CREEK ROAD BRIDGE, THE ARCO ROAD BRIDGE, AND THE CHESTNUT STREET BRIDGE

11. Consideration was given to a resolution approving the acceptance of revised engineering service proposals from Thompson-Gordon-Shock Engineers, Inc. for the replacement/rehabilitation of the Gashes Creek Road Bridge, the Arco Road Bridge, and the Chestnut Street Bridge.

225

After discussion, Councilwoman Frank moved to table consideration of the site plan for two weeks, April 19, 1983, asking that the developer's architect prepare a rendering of the townhouses to be placed on Pearson Drive showing the proposed 6' wall and that the developers meet with the residents in the area to review the renderings before April 19, 1983. This motion was seconded by Councilman Pless and carried unanimously.

ORDINANCE NO. 1360 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Property located at 25 Deaverview Road)

5. Consideration was given to the second reading of Ordinance No. 1360, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville," as amended rezoning property located at 25 Deaverview Road.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1360 passed on second reading.

ORDINANCE NO. 1362 - AN ORDINANCE AMENDING SECTION 28.81.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to an ordinance amending Section 28.81.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

The Associate City Manager read the ordinance stating that now that Valley Street is under construction and will be widened to a four lane facility, it is recommended that part of the Asheville Code of Ordinances, Chapter 28, Section 28.81 pertaining to speed limits on Valley Street be rescinded and reverted to the State Statutory Speed Limit, or 35 mph.

Vice-Mayor Price moved for the adoption of Ordinance No. 1362. This motion was seconded by Councilwoman Frank.

On a roll call vote of 6-0, Ordinance No. 1362 passed on first reading.

RESOLUTION NO. 83-52- RESOLUTION REGARDING THE ASHEVILLE CITY COUNCIL RECOMMENDATIONS ON THE METROPOLITAN WASTEWATER MANAGEMENT PLAN

7. Consideration was given to a resolution regarding the Asheville City Council recommendations on the Metropolitan Wastewater Management Plan.

The Associate City Manager read the resolution stating that the Buncombe County Collector System Task Force has developed a plan entitled Metropolitan Wastewater Management Plan - Second Draft - December 15, 1982. The Asheville City Council has been requested to submit their position as to support of the plan in principle as well as a list of items of concern they have with the adoption of said plan. This resolution will authorize the submission of City Council's recommendations.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-52 was unanimously adopted.

Complete text of Resolution No. 83-52 will be found in Resolution Book
• No. 14 at page 2.

300

The Associate City Manager read the resolution which stated that the City desires to implement a strategy for revitalizing its Downtown/Central Business District. The City has retained the consultant firm of Zuchelli, Hunter and Associates, Inc. to perform certain professional services pertinent to such project to serve the City. The contract for such services was to be completed in three phases with an evaluation by the City due at the completion of Phase I. The evaluation would determine whether to continue the contract. This resolution will authorize the continuance of Phase II of the contract for the purpose of assistance with the revitalization in the Downtown.

Upon inquiry of Councilman Myers, Becky Williams, Director of Economic Development said no funds have been spent as of today's date. She said each phase will be paid for by the City, County, and the Chamber of Commerce equally. She said funds received to date is \$36,250 from the City and the Chamber of Commerce.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-57 was unanimously adopted.

Complete text of Resolution No. 83-57 will be found in Resolution Book No. 14 at page 9.

PROCLAMATION - APRIL 10-17, 1983 - "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST"

Mayor Trantham proclaimed April 10-17, 1983 as "Days of Remembrance of the Victims of the Holocaust."

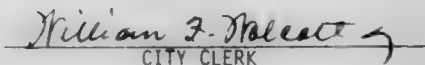
PROCLAMATION - APRIL 6, 1983 - "BECAUSE WE CARE" DAY

Mayor Trantham proclaimed April 6, 1983 as "Because We Care" Day to pay tribute to hospitalized veterans on this day and each day of the year.

ADJOURNMENT

Upon motion of Councilman Pless, seconded by Councilman Myers, the meeting adjourned at 6:20 p. m.


MAYOR


CITY CLERK

107

The Associate City Manager read the resolution stating that engineering service proposals were received from Thompson-Gordon-Shook Engineers, Inc. and approved by the City Council on December 2, 1982. These proposals were reviewed by the North Carolina Department of Transportation and the Federal Highway Administration. The review has caused minor revisions, of a technical nature and do not effect the consultant's fees. This resolution will authorize the Mayor to execute the revised proposals.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-56 was unanimously adopted.

Complete text of Resolution No. 83-56 will be found in Resolution Book No. 14 at page 8.

APPROVAL TO HANG BANNERS DOWNTOWN IN RECOGNITION OF VOLUNTEER WEEK

12. The Associate City Manager said a request was received from Cindy Mueller, Director of Volunteer Service Bureau, to hang two banners in two locations in downtown Asheville for the week of April 17-23. The banners will be twenty feet long by three feet wide; red lettering on white canvas, containing the Volunteer Heart logo and the words THANKS VOLUNTEERS. One banner will be across Broadway in the area of Asheville Showcase and the other on Patton Avenue in the area of Public Service Company.

Vice-Mayor Price moved to approve the request of Cindy Mueller to hang the banners in downtown in recognition of Volunteer Week. This motion was seconded by Councilwoman Frank and carried unanimously.

CLAIMS - LOUISE B. PACE (WATER & SEWER) - ELIZA J. STANKUS (PUBLIC WORKS) - AARON DAWKINS (WATER & SEWER)

LAWSUITS - ASHEVILLE HOUSING AUTHORITY VS. CONDEMNATION OF FLORA D. HAWKINS PROPERTY

The Associate City Manager presented claims received from Louise B. Pace, Eliza J. Stankus, and Aaron Dawkins.

The Associate City Manager also advised that the City was served with a summons in connection with the following lawsuit:

Asheville Housing Authority -- Condemnation of Flora D. Hawkins Property
(East End/Valley Street)

Mayor Trantham referred the claims and lawsuit to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 83-57 - RESOLUTION AUTHORIZING THE CONTINUATION OF THE CONTRACT WITH ZUCHELLI, HUNTER AND ASSOCIATES, INC. FOR DOWNTOWN REVITALIZATION

Consideration was given to a resolution authorizing the continuation of the contract with Zuchelli, Hunter and Associates, Inc. for downtown revitalization.

The City Manager read the resolution which stated that Joseph E. Johnson has been employed by the City of Asheville Inspections Department since January, 1966 and on March 1, 1983 he retired from the City of Asheville.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Frank, Resolution No. 83-59 was unanimously adopted.

Complete text of Resolution No. 83-59 will be found in Resolution Book No. 14 at page 12.

PUBLIC HEARING - ANNEXATION OF PROPERTY ON U. S. 70 - POSEIDON RESTAURANT

ORDINANCE NO. 1363 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

4. A public hearing was held relative to annexing property pursuant to G. S. 160-58.2 relative to the Poseidon Restaurant on U. S. 70.

Mayor Trantham opened the public hearing at 4:29 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said a petition was received to annex the Poseidon Restaurant on U. S. 70 and at the March 22, 1983 meeting the petition was certified and a public hearing scheduled pursuant to North Carolina General Statutes. He presented members of Council with a report indicating that the standards for the annexation are complete. He said all services are in place and can be accomplished without additional cost to the City. He said the estimated tax valuation of the property is \$262,000 and will provide an estimated revenue of \$1,500 to \$1,600. He said after conferring with the petitioners it is recommended that the effective date of the ordinance be May 1, 1983.

Mayor Trantham closed the public hearing at 4:33 p. m.

Councilwoman Frank moved for the adoption of Ordinance No. 1363. This motion was seconded by Councilman Pless.

On a roll call vote of 6-0, Ordinance No. 1363 passed on first reading.

PUBLIC HEARING - IMPOSING MORATORIUM ON BUILDING AND ZONING PERMITS IN THE CHURCH STREET AND RAVENSCROFT DRIVE AREA

ORDINANCE NO. 1364 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE CHURCH STREET AND RAVENSCROFT DRIVE AREA

5. A public hearing was held relative to imposing a moratorium on building and zoning permits in the Church Street and Ravenscroft Drive Area.

Mayor Trantham opened the public hearing at 4:39 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Tuesday - April 12, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina Bratton, Councilmen Joe Pless and Gordon Myers; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Larry McDevitt (Due to illness)

INVOCATION

Mayor Trantham introduced Rabbi Paul Grob of Beth Israel Temple who gave the invocation.

PROCLAMATION - APRIL 10 - 17, 1983 - "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST"

The City Manager read a proclamation proclaiming April 10 - 17, 1983 as "Days of Remembrance of the Victims of the Holocaust."

Mayor Trantham presented the proclamation to Rabbi Paul Grob.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 5, 1983 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman Pless, the minutes of the April 5, 1983 meeting were unanimously approved as submitted.

RESOLUTION NO. 83-58 - RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF ASHEVILLE POLICE DEPARTMENT OFFICER HAROLD DEAN CRISP, JR. IN HIS WORK WITH AREA YOUTH PROGRAMS

2. Consideration was given to a resolution recognizing the contributions of Asheville Police Department Officer Harold Dean Crisp, Jr., in his work with area youth programs.

The City Manager read the resolution which stated that Police Officer Harold Dean Crisp, Jr., received a National Jefferson Award for his volunteer community service in area youth programs.

Upon motion of Councilman Myers, seconded by Councilman Pless, Resolution No. 83-58 was unanimously adopted.

Complete text of Resolution No. 83-58 will be found in Resolution Book No. 14 at page 11.

RESOLUTION NO. 83-59 - RESOLUTION OF APPRECIATION AND COMMENDATION TO JOSEPH E. JOHNSON

3. Consideration was given to a resolution of appreciation and commendation to Joseph E. Johnson.

607

ORDINANCE NO. 1362 - AN ORDINANCE AMENDING SECTION 28.81.2 OF ARTICLE IV (SPEED REGULATIONS) OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of Ordinance No. 1362, an ordinance amending Section 28.81.2 of Article IV (Speed Regulations) of Chapter 28 of the Code of Ordinances of the City of Asheville.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1362 passed on second reading.

Councilman Myers moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1362. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1362 passed on third and final reading.

Complete text of Ordinance No. 1362 will be found in Ordinance Book No. 10 at page 1.

ORDINANCE NO. 1360 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Property located at 25 Deaverview Road)

7. Consideration was given to the third reading of Ordinance No. 1360, an ordinance amending Ordinance No. 322, known as "An ordinance providing for the zoning of the City of Asheville," as amended rezoning property located at 25 Deaverview Road.

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1360 passed on third and final reading.

Complete text of Ordinance No. 1360 will be found in Ordinance Book No. 9 at page 454.

RESOLUTION NO. 83-60 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR THE REPLACEMENT OF THE GLEN FALLS ROAD BRIDGE OVER BEAVERDAM CREEK, PROJECT NO. 8.2840801, B-842

8. Consideration was given to a resolution authorizing the Mayor to execute a municipal agreement between the North Carolina Department of Transportation and the City of Asheville for the replacement of the Glen Falls Road Bridge over Beaverdam Creek, Project No. 8.2840801, B-842.

The City Manager said this municipal agreement will provide for the replacement of the Glen Falls Road Bridge for which the City of Asheville will be responsible for costs to the extent of 20% and the Department of Transportation will reimburse the City of Asheville for 80% of the total project costs.

Verl Emrick, Director of Planning, said at the March 29, 1983 Council meeting a petition was presented by the property owners in the vicinity of Church Street and Ravenscroft Drive requesting that Council initiate a special zoning study of the area and to impose a moratorium on building and zoning permits until the study is complete and a decision is made on the rezoning study. He said the Planning and Zoning Commission will consider the rezoning issue during the May meeting and this public hearing deals strictly with the imposing of a moratorium on building and zoning permits. He said he had received no opposition relative to imposing a moratorium.

Mr. William F. Wolcott, III, attorney representing the petitioners, spoke in support of the ordinance imposing the moratorium and requested that Council pass the ordinance on three readings at today's meeting since the ordinance provides for a short moratorium period, with the moratorium effective only until June 15, 1983. He said he had heard there was some interest in developing a vacant lot in the area and the property owners are interested in preserving the area.

Upon inquiry of Councilman Pless as to whether or not any particular party opposes the moratorium, Mr. Wolcott said no action had been taken to develop the vacant lot that someone had only expressed an interest in developing the lot.

Corporation Counsel Moore, upon inquiry of Council, said Council could legally have all three readings of the ordinance at today's meeting. However, in the past Council has not had three readings on ordinances affecting zoning or property during one meeting.

Mayor Trantham closed the public hearing at 4:42 p. m.

Since members of Council were furnished copies of the proposed ordinance it was not read in its entirety.

Councilwoman Frank moved for the adoption of Ordinance No. 1364. This motion was seconded by Councilman Myers.

On a roll call vote of 6-0, Ordinance No. 1364 passed on first reading.

Councilman Pless moved to suspend the rules and proceed to the second reading of Ordinance No. 1364. This motion was seconded by Vice-Mayor Price and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1364 passed on second reading.

Councilman Pless moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1364. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 1364 passed on third and final reading.

Complete text of Ordinance No. 1364 will be found in Ordinance Book No. 10 at page 5.

RALPH BISHOP - COMMENTS RELATIVE TO LOTTERY SALES

Ralph Bishop again spoke to Council relative to lottery sales in the City of Asheville.

ADJOURNMENT

Upon motion of Vice-Mayor Price, seconded by Councilman Myers, the meeting adjourned at 5:05 p. m.

Wayne H. Hamilton
MAYOR

William F. Holcomb
CITY CLERK

Upon motion of Councilman Myers, seconded by Councilwoman Bratton, Resolution No. 83-60 was unanimously adopted.

Complete text of Resolution No. 83-60 will be found in Resolution Book No. 14 at page 13.

CLAIMS - JULIUS H. PRAUSE, SR. (PUBLIC WORKS)

The City Manager presented a claim received from Julius H. Prause, Sr.

Mayor Trantham referred the claim to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 83-61 - RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF LYNNDALE AVENUE FROM 4:00 P. M. - 6:00 P. M. ON SUNDAY, APRIL 17, 1983

Consideration was given to a resolution authorizing the closing of a portion of Lynndale Avenue from 4:00 p. m. - 6:00 p. m. on Sunday, April 17, 1983.

The City Manager read the resolution stating that the West Asheville Baptist Church, 926 Haywood Road, Asheville, North Carolina, is planning a ground breaking ceremony for April 17, 1983 from 4:00 p. m. - 6:00 p. m. and the Church has requested that about seventy-five yards of Lynndale Avenue, between the hours of 4:00 p. m. and 6:00 p. m. be blocked off for the ceremony.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, Resolution No. 83-61 was unanimously adopted.

Complete text of Resolution No. 83-61 will be found in Resolution Book No. 14 at page 14.

RESOLUTION NO. 83-62 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE REED CREEK SEWER IMPROVEMENT PROJECT

Consideration was given to a resolution authorizing condemnation of property in the Reed Creek Sewer Improvement Project.

The City Manager read the resolution stating that the Asheville Housing Authority has caused the property of Clarence Williams in the Reed Creek Sewer Improvement Project to be appraised by a competent real estate appraiser and the Housing Authority has established a maximum acquisition value for this property. The Housing Authority has been unable to reach agreement to purchase at the approved value. This resolution will authorize the condemnation of the property in order to carry out the Reed Creek Sewer Improvement Project.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-62 was unanimously adopted.

Complete text of Resolution No. 83-62 will be found in Resolution Book No. 14 at page 15.

1. The Executive Board of the Montford Community Club and The Montford Defense Committee of the Montford Community Club met with the Developers and owners of the proposed Montford Mews Development on 18 April 1983.

The Montford Community Club has consistantly stated that:

The Historic Ordinance governing the Montford Historic District must be followed.

IN THE MEETING OF 18 APRIL 1983, Mr. Delaney and Mr. Graves, OWNERS, agreed to comply with the 4 foot wall requirement.

They have taken the revised plan as submitted by the Montford Defense Committee under advisement for the relocation of the units that now back onto Pearson Drive.

OUR REQUEST OF CITY COUNCIL: NOW THAT DIALOG HAS BEGUN BETWEEN THE OWNERS AND THE MONTFORD COMMUNITY CLUB, WE REQUEST THAT CITY COUNCIL DEFER ACTION ON THE PROJECT UNTIL SUCH TIME AS THE OWNER/DEVELOPERS HAVE REVIEWED THE REVISED SITE PLAN FOR THE UNITS BACKING ONTO PEARSON SO THAT THEY AND THE MONTFORD COMMUNITY CLUB CAN CONTINUE THEIR "GOOD FAITH" DIALOG. THIS NEXT MEETING COULD BE HELD AT THE REGULARLY SCHEDULED MEETING OF THE MONTFORD COMMUNITY CLUB WHICH WILL BE HELD AT THE MONTFORD COMMUNITY CENTER AT 7:30 on Monday evening, 9 May 1983. THE RESULTS OF THIS MEETING COULD THEN BE PRESENTED AT CITY COUNCIL MEETING HELD ON/ABOUT 30 DAYS FROM TODAYS MEETING.

2. Consistant with the position of the Montford Community Club, alleged violations have been conducted by the Board of Adjustment as outlined in the paper presented to City Council at the most recently held meeting of that body. The case is pending. Since it applies directly to the Ordinance governing the action of the Historic Resources Commission, we make the following request of Asheville City Council:

THAT YOU JOIN US IN HAVING THE ATTORNEY GENERAL FOR THE STATE OF NC REVIEW THE ACTIONS OF THE BOARD OF ADJUSTMENT IN THE RECENT REVIEW OF THE MONTFORD MEWS DEVELOPMENT AND THE IMPROPER ACTION OF disregard FOR THE SPIRIT AND LETTER OF THE LAW BY THE BOARD OF ADJUSTMENT.

THE CASE IS NOW PENDING IN SUPERIOR COURT."

Mary Jo Brezney, a member of the Montford Community Club, presented the revised plan of the "Montford Mews" townhouses to members of Council.

Ms. Stephanie Hooker, 30 Cumberland Avenue, spoke in opposition to the project stating that the developers should meet all the guidelines of the Montford Historic District ordinance.

Lawrence Gilliam spoke in support of the project and the developers of the project. He also commented that sometimes the historic ordinance is a burden on individuals with fixed incomes.

Carl Johnson spoke in favor of the project stating that you can not have historical preservation without restoration.

Councilwoman Bratton moved to approve the site plan of the "Montford Mews" townhouses to be located on Montford Avenue subject to the conditions outlined by the Planning and Zoning Commission and the lowering of the wall on Pearson Drive to 4' including the plantings in front of the wall on shown on the plans. This motion was seconded by Councilman Pless and carried unanimously.

Upon inquiry of Councilman McDevitt, Mr. Emrick said the violations of the developer of the historical ordinance deal with guidelines in the ordinance rather than laws.

405

Tuesday - April 19, 1983 - 3:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina B. Bratton, Councilmen Joe Pless, Gordon Myers and Larry McDevitt; Corporation Counsel William C. Moore, City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilwoman Mary Lloyd Frank.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 12, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, the minutes of the April 12, 1983 meeting were unanimously approved as submitted.

SITE PLAN OF THE PROPOSED "MONTFORD MEWS" TOWNHOUSES

2. Consideration was given to a motion relative to the site plan of the proposed "Montford Mews" townhouses.

Mayor Trantham stated that a public hearing was held relative to the site plan for the "Montford Mews" townhouses on April 5, 1983. At that time a motion was made to table consideration of the site plan for April 19, 1983.

Verl Emrick, Director of Planning, said at the April 5, 1983 public hearing Council requested that the developer's architect prepare a rendering of the townhouses to be placed on Pearson Drive showing the proposed 6' wall and that the developers meet with the residents prior to Council consideration. He said the architect prepared the rendering and a meeting was held with the Montford Community Club on Monday, April 18, 1983. He said the developers are now proposing a 4' wall on Pearson Drive rather than a 6' wall. He presented the rendering to members of Council.

David Matney, attorney for the developers, spoke in favor of the project stating that the developers compromised with the residents in the area by lowering the proposed wall on Pearson Drive to 4' rather than 6'. He said the residents are still opposed to the placement of the four units on Pearson Drive. He said the framework of the project is in keeping with the Montford Historical Guidelines. He said the wall to be constructed on Pearson Drive would have shrubbery planted in front of the wall and would enhance the neighborhood, particularly since the property is now vacant.

Ken Richards, President of the Montford Community Club, read the following statement:

MONTFORD COMMUNITY CLUB

"Subject: Presentation to Asheville City Council reference proposed Montford Mews Development.

Date: 19 April 1983

Councilman McDevitt requested that the wording in Section E(3)(b) be changed from 150 meters to 150 yards.

Mayor Trantham closed the public hearing at 4:15 p. m.

Verl Emrick, Director of Planning, said since members of Council were furnished copies of the ordinance it would not be read in its entirety.

Vice-Mayor Price moved for the adoption of Ordinance No. 1365. This motion was seconded by Councilwoman Frank.

On a roll call vote of 7-0, Ordinance No. 1365 passed on first reading.

ORDINANCE NO. 1363 - AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA (POSEIDON RESTAURANT ON U. S. 70)

5. Consideration was given to the second reading of Ordinance No. 1363, an ordinance to extend the corporate limits of the City of Asheville, North Carolina, being the Poseidon Restaurant on U. S. 70.

Mayor Trantham said this ordinance was previously read on first reading and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 7-0, Ordinance No. 1363 passed on second reading.

Vice-Mayor Price moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1363. This motion was seconded by Councilwoman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1363 passed on third and final reading.

Complete text of Ordinance No. 1363 will be found in Ordinance Book No. 10 at page 2, 3, and 4.

RESOLUTION NO. 83-63 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE CODE ENFORCEMENT OFFICER TO DEMOLISH THE DWELLING HOUSE AT 19 BLAKE STREET

6. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Code Enforcement Officer to demolish the dwelling house at 19 Blake Street for May 10, 1983.

The City Manager read the resolution which stated that the dwelling house at 19 Blake Street has been found to be unfit for human habitation, unsafe, and dangerous to life. A public hearing is required to demolish said building.

Upon motion of Councilman Myers, seconded by Councilman McDevitt, Resolution No. 83-63 was unanimously adopted.

Complete text of Resolution No. 83-63 will be found in Resolution Book No. 14 at page 16 and 17.

107

STATUS REPORT - RESTORATION OF 22 NORMANDY ROAD

3. Status report relative to restoration of 22 Normandy Road.

Mr. Lem Moore, Director of Inspections, said in October, 1982 Council received agreements from the owners of 22 Normandy Road and Stewart Construction Company to restore 22 Normandy Road to meet all state and local building and housing codes. He said in February, 1983 Council continued the stay of the ordinance to demolish the dwelling until after April 7, 1983. He said an inspection was made of the dwelling at 22 Normandy Road and no significant progress has been made to restore the dwelling. He said no plumbing permits have been issued to a plumbing contractor. He said a rough-in inspection was made on the electrical work. He said work on the dwelling has been discontinued for at least two weeks. He said the Building Inspector inspecting the premises said about 20% of the work has been completed at 22 Normandy Road.

Upon inquiry of Council, Mr. Moore said the City has agreements from the owners of 22 Normandy Road and the construction company. He said the agreement states that in the event the dwelling is not brought into compliance with the appropriate building codes by February 1, 1983 the contractor, Stewart Construction Company, that demolition would be effected without cost or liability to the City of Asheville.

Councilman McDevitt said he felt the City should enforce the agreements since the owners are in breach of the agreements made in October, 1982.

After discussion, Councilman McDevitt moved to dissolve the stay of execution of Ordinance No. 1183 and to proceed with the enforcement of Ordinance No. 1183 directing the demolition of 22 Normandy Road. This motion was seconded by Councilwoman Frank and carried unanimously.

CONTINUATION OF PUBLIC HEARING - "CONSERVATION OVERLAY FOR HISTORIC PROPERTIES"

ORDINANCE NO. 1365 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

4. A public hearing relative to a proposed wording amendment to the Asheville Zoning Ordinance which would create a new district to be known as the "Conservation Overlay for Historic Properties," continued.

Mayor Trantham stated this public hearing was continued from the November 4, 1982 meeting.

Verl Emrick, Director of Planning, said the public hearing was continued on November 4, 1982 in order for the City Attorney and Planning Director to provide new language for the ordinance in Sections E(3) and G(4).

Mr. Emrick read the new language proposed for Sections E(3) and G(4) of the ordinance.

He said this ordinance is aimed at locally designated historic properties to encourage the most appropriate use of the historic buildings. He explained the procedure to be followed in obtaining a conditional use permit for historic properties.

At this time an ordinance was read rescinding Ordinance No. 1364.

Councilman Pless moved for the adoption of Ordinance No. 1366. This motion was seconded by Councilman Myers.

On a roll call vote of 7-0, Ordinance No. 1366 passed on first reading.

Councilman Pless moved to suspend the rules and proceed to the second reading of Ordinance No. 1366. This motion was seconded by Councilwoman Frank and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1366 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1366. This motion was seconded by Councilwoman Bratton and carried unanimously.

On a roll call vote of 7-0, Ordinance No. 1366 passed on third and final reading.

Complete text of Ordinance No. 1366 will be found in Ordinance Book No. 10 at page 10.

SCHEDULING PUBLIC HEARING - IMPOSING MORATORIUM ON BUILDING AND ZONING PERMITS IN THE CHURCH STREET AND RAVENSCROFT DRIVE AREA

Councilwoman Frank moved to schedule a public hearing relative to the adoption of an ordinance imposing a moratorium on any building and zoning permits in the Church Street and Ravenscroft Drive area, for May 3, 1983. This motion was seconded by Councilman Myers.

Upon inquiry of Councilman McDevitt, Corporation Counsel Moore again stated in his opinion Councilman McDevitt would not have a "conflict of interest" in voting on this issue because he owns property adjacent to the property in question.

Councilwoman Frank's motion carried unanimously.

PUBLIC HEARING SCHEDULED - REZONING PROPERTY AT 20 SAND HILL ROAD

Councilwoman Frank moved to schedule a public hearing relative to rezoning property at 20 Sand Hill Road from R-3 Residential District to CS Commercial Service District at the request of Wachovia Bank by Attorney Allan Tarleton for May 3, 1983. This motion was seconded by Councilman Myers.

Councilman McDevitt requested that he be excused from voting on this matter due to the fact that his law firm represents Wachovia Bank.

Councilwoman Bratton moved to excuse Councilman McDevitt from voting on this matter. This motion was seconded by Councilwoman Frank and carried unanimously.

Councilwoman Frank's motion carried unanimously.

409

REQUEST OF NEAGLE OUTDOOR ADVERTISING COMPANY FOR A SIGN PERMIT

7. Mr. Lem Moore, Director of Inspections, said he had received a request from Neagle Outdoor Advertising Company, for permits to place several billboards throughout the city in conjunction with Appalachian Hall Hospital and the DUI bill. He said the billboards would display a State Highway Patrol Car with an actual blue turning light on the sign. He said this is prohibited under the Sign Ordinance and Council would have to amend the Sign Ordinance in order to allow the signs to be erected.

After discussion it was the consensus of Council that the idea was good and worthwhile, however they could not grant the request by allowing the turning light on the billboards.

RECONSIDERATION OF ORDINANCE NO. 1364 - AN ORDINANCE IMPOSING A LIMITED MORATORIUM ON DEVELOPMENT IN THE CHURCH STREET AND RAVENSCROFT DRIVE AREA

ORDINANCE NO. 1366 - AN ORDINANCE RESCINDING ORDINANCE NO. 1364

8. Councilman Pless said at the Council meeting of April 12, 1983 an ordinance was adopted on three readings imposing a limited moratorium on development in the Church Street and Ravenscroft Drive Area. He said during the April 12, 1983 meeting he asked the petitioner of the moratorium if anyone was in opposition to the moratorium and was told "no." He said it was brought to his attention on April 13, 1983 that an individual was interested in developing a vacant lot in the area and had talked with the Inspections Division, on several occasions, about obtaining a building permit. He said the individual was refused a building permit on April 13, 1983 because the moratorium was in effect. He said he felt the moratorium ordinance should be rescinded because Council, including himself, acted hastily in adopting the moratorium ordinance on three readings at one meeting.

Mr. Jack Bane, proposed developer of a vacant lot in the area, told members of Council he was not aware that Council was considering the moratorium ordinance on April 12, 1983. He said the petitioner knew of his interest in developing the lot on April 12, 1983.

Mr. Ervin Ball, Attorney for Jack Bane, said it was his understanding that members of Council were told that it was a unanimous decision of all property owners in the area that a moratorium ordinance be adopted. He said that is not true. He said there are only a very few vacant lots left in the area in question.

Mr. Lem Moore, Director of Inspections, verified that Mr. Jack Bane did, in fact, talk to the Inspections Department on several occasions about obtaining a building permit and to his knowledge was in the process of bringing his plans up-to-date to bring in for his building permit. He said at the April 12, 1983 meeting he did not know Mr. Bane's lot was in question or he would have informed members of Council.

After discussion, Councilman Pless moved that Council reconsider Ordinance No. 1364. This motion was seconded by Councilman Myers.

Upon inquiry of Councilman McDevitt, Corporation Counsel Moore said in his opinion Councilman McDevitt would not have a "conflict of interest" in voting on this issue because he owns property adjoining the property in question.

Councilman Pless' motion carried unanimously.

MEETING SCHEDULED TO MEET WITH ASHEVILLE SCHOOL BOARD MEMBERS

It was the consensus of Council to meet with the members of the Asheville School Board on Tuesday, May 3, 1983 at 2:00 p. m. in the Council Conference Room.

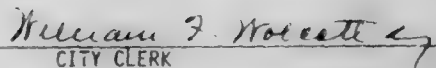
RALPH BISHOP - COMMENTS RELATIVE TO CITY MANAGER AND DIFFICULTY IN OBTAINING CITY RECORDS

Ralph Bishop again spoke to Council relative to the City Manager and the difficulty he was having in obtaining police pension records relative to J. C. Hall.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:10 p. m.


MAYOR


CITY CLERK

111

CLAIMS - JOHN HARRIN (WATER & SEWER) - SIDNEY SCHOCHET (PUBLIC WORKS) - GEORGE JONES (WATER & SEWER) - GORDON JEWELL (WATER & SEWER)

The City Manager presented claims received from John Harrin, Sidney Schochet, George Jones, and Gordon Jewell.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

RESOLUTION NO. 83-64 - RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY IN THE KILLIAN ROAD BRIDGE REPLACEMENT PROJECT

Consideration was given to a resolution authorizing condemnation of property in the Killian Road Bridge Replacement Project.

The City Manager read the resolution which stated that the City of Asheville has dealt with the property owners owning property along the Killian Road Bridge Project and one property owner will not dedicate or sell the portion of their property needed as temporary and perpetual right-of-way for the replacement of the Killian Road Bridge. This resolution will authorize the condemnation of Ward 9, Sheet 42, Lot 88-1/4, Owned by Harwood on Killian Road in order that the City of Asheville might carry out its approved plan of replacing the Killian Road Bridge.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 83-64 was unanimously adopted.

Complete text of Resolution No. 83-64 will be found in Resolution Book No. 14 at page 18.

REPORT BY CORPORATION COUNSEL - RELATIVE TO CABLE TELEVISION FRANCHISE ORDINANCE NO. 789, AS AMENDED TO DATE

The City Manager presented a memorandum received from Corporation Counsel Moore stating that he reviewed the requirements of the cable television franchise ordinance and the procedures followed by American Cable TV Investors and in his opinion all provisions of the ordinance have been complied with.

PROCLAMATION - APRIL 24-30, 1983 - "YWCA WEEK"

Mayor Trantham proclaimed the week of April 24-30, 1983 at "YWCA Week."

PETITION - RESIDENTS OF OAKLEY NEIGHBORHOOD - CROSSING GUARD AT OAKLEY SCHOOL

The City Manager presented a petition received from residents of the Oakley neighborhood requesting that the Asheville Police Department station a crossing guard at the intersection of Liberty Street and Fairview Road to assist children walking to and from Oakley Elementary School.

The City Manager said this matter was scheduled on the last City/County meeting agenda. He said the County Commissioners were being requested to participate in the funding. However, the matter was not discussed and he instructed the Chief of Police to provide the crossing guard if it should prove necessary during the remainder of this school year.

The City Manager read the resolution stating that Brown A. McNeil has been employed by the City of Asheville for over six years in the Park Maintenance Division and will retire from service on May 1, 1983.

Upon motion of Councilman McDevitt, seconded by Councilwoman Bratton, Resolution No. 83-66 was unanimously adopted.

Complete text of Resolution No. 83-66 will be found in Resolution Book No. 14 at page 20.

PRESENTATION BY BETTY KDAN - ARTS COUNCIL - MURAL PAINTINGS IN THE PARKING GARAGE

4. Betty Kdan, with the UNC-Asheville Alumni Art Chapter, said last fall her chapter took on the endeavor of a project to redecorate the inside of the parking garage. She presented members of Council with a print out of the scope of the project. She said the project is supported by the Community Arts Council and the Economic Development Department. She said the Community Arts Council was successful in obtaining a \$500 grant for the project. She said a mural contest was started and the winner of the contest is Terry Shuford. She said Terry's design meets all the requirements of the contest which included visibility, simplicity, easily maintained, and not distracting to people using the garage. She said the design will be easy for the City to maintain in years to come. She said the grant funds will be used to purchase the paint and volunteers both private and from the UNC-A Arts class will be involved in the mural paintings. She requested that Council approve the general motif for the entire parking garage.

Councilman McDevitt moved to approve the general motif, as explained and presented by Betty Kdan, for mural paintings on the inside of the parking garage. This motion was seconded by Councilwoman Bratton and carried unanimously.

ORDINANCE NO. 1365 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (creating a new district entitled "Conservation Overlay for Historic Properties")

5. Consideration was given to the second reading of Ordinance No. 1365, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended creating a new district entitled "Conservation Overlay for Historic Properties."

Mayor Trantham said this ordinance passed on first reading on April 19, 1983 and said the ordinance would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 1365 passed on second reading.

SALE OF DISPOSAL PARCELS - EAST RIVERSIDE RENEWAL PROJECT

6. Consideration was given to a motion approving the sale of disposal parcels in the East Riverside Renewal Project.

The City Manager said the Housing Authority has tentatively accepted the following bids for disposal parcels in the East Riverside Renewal Project:

Tuesday - April 26, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Wilhelmina B. Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Norma T. Price (out of town)
Councilwoman Mary Lloyd Frank (out of town)

INVOCATION

The invocation was given by Councilman Gordon Myers.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 19, 1983 meeting.

Upon motion of Councilman McDevitt, seconded by Councilman Myers, the minutes of the April 19, 1983 meeting were unanimously approved as submitted.

RECOGNITION OF GIRL SCOUT TROOP 130

Mayor Trantham recognized Girl Scout Troop 130 and Troop Leader Mrs. Winslow attending the Council meeting.

PROCLAMATION - MAY, 1983 - "BETTER SPEECH AND HEARING MONTH"

Mayor Trantham proclaimed the month of May, 1983 as "Better Speech and Hearing Month." He presented the proclamation to Diana Hutchison and Tom Muncy from the Thoms Rehabilitation Hospital.

RESOLUTION NO. 83-65 - RESOLUTION OF APPRECIATION TO WILLIAM R. SWEARNGAN

2. Consideration was given to a resolution of appreciation to William R. Swearngan.

The City Manager read the resolution stating that William R. Swearngan has been employed by the City of Asheville in several capacities since 1971 and he will retire from active service on May 1, 1983.

Upon motion of Councilwoman Bratton, seconded by Councilman Pless, Resolution No. 83-65 was unanimously adopted.

Complete text of Resolution No. 83-65 will be found in Resolution Book No. 14 at page 19.

RESOLUTION NO. 83-66 - RESOLUTION OF APPRECIATION TO BROWN A. MCNEIL, RETIRING EMPLOYEE OF THE CITY OF ASHEVILLE

3. Consideration was given to a resolution of appreciation to Brown A. McNeil, retiring employee of the City of Asheville.

CLAIMS - FRANCES STEVENS - RUCKMAN BROTHERS - JOE YANIK, JOSEPH W. GILSON, AND BETTY P. WINN

The City Manager presented claims received from Frances Stevens, Ruckman Brothers, Joe Yanik, Joseph W. Gilson, and Betty P. Winn.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

PROCLAMATION - SUNDAY - MAY 1, 1983 - LAW DAY U.S.A.

Mayor Trantham proclaimed Sunday, May 1, 1983 as Law Day U.S.A.

DISCUSSION RELATIVE TO DEMOLITION OF 22 NORMANDY ROAD

John Stewart, Stewart Construction Company, appeared before Council and requested that Council rescind the motion made at the meeting of April 19, 1983 to dissolve the stay of execution of Ordinance No. 1183 ordering the demolition of 22 Normandy Road. He said work has been done on the dwelling to bring it up to code standards, however due to weather conditions the work process has been slow. He said approximately \$24,000 has been spent pursuing the project. He said once the house is completed and brought up to code standards it would have an approximate tax value of \$100,000 which would be an asset to the City of Asheville. He said his clients are in the process of selling property to rehabilitate 22 Normandy Road.

Upon inquiry of Councilman Myers, Mr. Stewart said approximately \$20,000 is still in escrow to repair the house.

After discussion, Councilman Myers moved to rescind the order to demolish the dwelling at 22 Normandy Road for ninety (90) days. This motion was seconded by Councilman McDevitt and carried unanimously.

STATEMENT BY DONNY LUKE - CHURCH STREET AND RAVENSCROFT DRIVE AREA

Mr. Donny Luke, a resident of Church Street, told members of Council he was displeased and distressed at the action taken by Council on April 19, 1983 rescinding the Ordinance imposing the moratorium on building and zoning permits in the Church Street and Ravenscroft Drive Area. He said when he appeared before Council on April 12, 1983 requesting the moratorium Council members were told of an interested developer in the area and the main purpose for requesting the moratorium was to prevent the development. He said it was not their intention to mislead Council members. He said Council members were influenced by a personal conflict of one individual and did not heed the request of the majority of the residents in the area. He requested that Council proceed with the process to rezone the Church Street and Ravenscroft Drive area and reverse the trend of deterioration of the area.

RALPH BISHOP - COMMENTS RELATIVE TO CITY MANAGER

Ralph Bishop again made comments to members of Council relative to the City Manager.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:00 p. m.

Ray M. Trantham
MAYOR

William J. Holcomb
CITY CLERK

<u>Parcel</u>	<u>Location</u>	<u>Reuse</u>	<u>Price</u>	<u>Bid</u>	<u>Redeveloper</u>
17M	Congress St.	Residential	2,200	2,400	Nesbitt
177A	Gaston St.	Residential	1,500	1,650	Lockamy/Perry
203	S. French				
	Broad	Residential	1,800	2,100	Jackson
209	Hibernia	Residential	2,700	3,050	Darity

All of the above developers propose to construct single family structures under the Dollar-A-Lot Program. Cost of the structures to be in the \$30,000 range.

Councilwoman Bratton moved to approve the sale of the disposal parcels as tentatively accepted by the Housing Authority. This motion was seconded by Councilman McDevitt and carried unanimously.

RESOLUTION NO. 83-67 - RESOLUTION APPROVING THE ACCEPTANCE OF THE ENGINEERING SERVICE PROPOSAL OF THOMPSON-GORDON-SHOCK ENGINEERS, INC. FOR THE REPLACEMENT/REHABILITATION OF THE GLEN FALLS ROAD BRIDGE ACROSS BEAVERDAM CREEK

7. Consideration was given to a resolution approving the acceptance of the Engineering Services Proposal of Thompson-Gordon-Shook Engineers, Inc. for the replacement/rehabilitation of the Glen Falls Road Bridge across Beaverdam Creek.

The City Manager said members of Council were furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, Resolution No. 83-67 was unanimously adopted.

Complete text of Resolution No. 83-67 will be found in Resolution Book No. 14 at page 21.

PUBLIC HEARING SCHEDULED - REZONING PROPERTY LOCATED AT THE GROVE PARK INN COUNTRY CLUB

8. Councilman McDevitt moved to schedule a public hearing relative to rezoning property located at the Grove Park Inn Country Club, Ward 9, Sheet 46, Portion of Lot 1, for May 17, 1983. This motion was seconded by Councilman Pless and carried unanimously.

Councilman Myers commented that the Planning and Zoning Commission voted to deny the rezoning request because it would create "spot zoning" which was illegal.

Jack Westall, Attorney representing Grove Park Inn Country Club, said in his opinion the rezoning does not constitute "spot zoning."

SUGGESTION BY COUNCILMAN PLESS - RELATIVE TO BELE CHERE FESTIVAL

Councilman Pless requested that the City Manager look into the possibility of moving the Bele Chere Festival around to different locations within the City of Asheville such as the Biltmore Village, West Asheville, etc. since those locations are also a part of the City of Asheville.

oversight Council rescinded the ordinance imposing the moratorium on April 19, 1983. He said imposing a moratorium at this time is probably a "moot" question because Planning and Zoning Commission will review the rezoning request on May 4, 1983.

Mike Coxe, partner with Donny Luke at the Architectural Design Studio on Church Street, said they were instrumental in the original petition requesting the rezoning study and the moratorium. He said since Council rescinded the ordinance imposing the moratorium, the main purpose of requesting the moratorium was defeated. He said there is very little property left in that area to be developed. He requested that Council turn their full attention to the rezoning request.

Mayor Trantham closed the public hearing at 4:17 p. m.

The City Manager said since members of Council were furnished copies of the ordinance it would not be read in its entirety.

Due to the lack of a motion for adoption, the ordinance was defeated.

PUBLIC HEARING - REZONING PROPERTY - 20 SAND HILL ROAD

ORDINANCE NO. 1367 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (20 Sand Hill Road)

2. A public hearing was held relative to rezoning property located at 20 Sand Hill Road.

Mayor Trantham opened the public hearing at 4:18 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said the Planning and Zoning Commission at a meeting held April 13, 1983, considered the petition of Wachovia Bank that Lot 203, Sheet 12, Ward 5, be rezoned from R-3 Residential District to CS Commercial Service District. After review and discussion, the Commission voted unanimously to recommend that Lot 203, Sheet 12, Ward 5, be rezoned from R-3 Residential District to CS Commercial Service District.

Mr. Emrick said since concern was voiced at the Planning and Zoning Commission meeting relative to additional water run off due to the proposed plan of installing a parking lot on this property, he would suggest that Council adopt the rezoning ordinance contingent upon compliance with the Erosion Control Ordinance.

Several residents in the area expressed concern about additional water run-off problems if this parking lot is built by Wachovia Bank.

Corporation Counsel Moore suggested that Council adopt the ordinance subject to compliance with the Erosion Control Ordinance, Section 8-80 of the Code of the City of Asheville.

After discussion, Mayor Trantham closed the public hearing at 4:32 p.m.

417

Tuesday - May 3, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina B. Bratton, Councilmen Joe Pless, Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Norma T. Price (Out of town)

INVOCATION

The invocation was given by Councilwoman Wilhelmina Bratton.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the April 26, 1983 meeting.

Upon motion of Councilman McDevitt, seconded by Councilman Pless, the minutes of the April 26, 1983 meeting were unanimously approved as submitted.

PROCLAMATION - May 9 - 13, 1983 - "UP WITH PEOPLE" WEEK

Mayor Trantham proclaimed the week of May 9 - 13, 1983 as "Up With People" Week in the City of Asheville and presented the proclamation to Martamaria Leal with "Up With People" staff.

PROCLAMATION - May 6, 1983 - "NATIONAL NURSES' DAY"

Mayor Trantham proclaimed May 6, 1983 as "National Nurses' Day" in the City of Asheville and presented the proclamation to Mable Carlyle, RN.

PROCLAMATION - May 7 - 14, 1983 - "HERITAGE WEEK"

Mayor Trantham proclaimed the week of May 7 - 14, 1983 as "Heritage Week" in the City of Asheville and presented the proclamation to Jim Canon.

PUBLIC HEARING - MORATORIUM ON BUILDING AND ZONING PERMITS IN THE CHURCH STREET AND RAVENSCROFT DRIVE AREA

2. A public hearing was held relative to consideration of an ordinance imposing a moratorium on building and zoning permits in the Church Street and Ravenscroft Drive Area.

Mayor Trantham opened the public hearing at 4:12 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Verl Emrick, Director of Planning, said a petition was received from property owners in the vicinity of Church Street and Ravenscroft Drive area requesting that Council initiate a special zoning study of the Church Street and Ravenscroft Drive area and to impose a moratorium on building and zoning permits until the study is complete and a decision made on the rezoning study. He said Council instructed the Planning and Zoning Commission to study the area and imposed a moratorium on development in the area on April 12, 1983. However, due to an

ORDINANCE NO. - BUDGET ORDINANCE AMENDMENT RELATIVE TO BELE CHERE

5. Consideration was given to a budget ordinance amendment relative to Bele Chere.

The City Manager read the ordinance stating that this amendment in the amount of \$10,000 is to establish funding for the 1983 Bele Chere Festival. \$5,000 from the City and \$5,000 from the County.

Ralph Bishop told members of Council that he was not opposed to the Bele Chere Festival but he was opposed to spending \$5,000 of the citizens money without them telling Council to.

Elizabeth Kdan, Executive Director of High Country Crafters, Inc. from 29 Haywood Street presented the following statement and petition to members of Council relative to the 1983 Bele Chere Festival:



High Country Crafters, Inc.

29 Haywood St.
Asheville, N.C. 28801
704/254-0070

Haywood Street Celebration of "Bele Chere"

Last week, in call to Patty Tallerdar for information about Bele Chere, was surprised to hear that Bele Chere would not be in the streets of downtown Asheville in 1983 due to:

1. Shortage of money.
2. Opposition by the merchants who feel their business is hurt by it.

Met with Verle Swick & Patty Tallerdar. Was assured that the merchants on Haywood St. could celebrate Bele Chere any way they wished to. Verle Swick recommended that if we wished we should approach City Council and request that Haywood St. be closed. He stated that:

1. Bele Chere Organization could put no money into Haywood St. celebration.
2. Bele Chere Organization could support Haywood St. through advertising.

High Country Crafters pledged what assistance we could to Bele Chere Organization:

1. Furnish names and addresses of skilled artisans.
2. Place announcement of Bele Chere in monthly newsletter.
3. Consider a High Country Booth in City/County Plaza area, the site of this year's Bele Chere celebration.

We took a survey of every merchant on Haywood Street to ascertain their feelings about Bele Chere.

1. No merchant realized that there would not be festivities on Haywood St.
2. No merchant had been consulted during the planning stages.
3. Every merchant felt that Bele Chere enhanced his present & future business.
4. Every merchant expressed desire to do something to have Bele Chere on street.
5. Every merchant wants Haywood St. closed for festivities.

The proposed plans include:

1. Juried art & craft booths- no commercial, no realtors, no imports.-all done by exhibitors.
2. Non-profit groups like "Humane Society" to have booths.
3. Non-profit food vendors-
4. Entertainment- parades- balloon races- children's face painting- etc- tie in with main Bele Chere where possible.

Therefore we entreat City Council to grant that Haywood Street be closed from the Civic Center to the Money Tree on July 29 & 30 (Friday & Saturday)

Respectfully yours,
Elizabeth Kdan
Elizabeth Kdan, Executive Director

The City Manager said since members of Council were furnished copies of the ordinance it would not be read in its entirety.

Councilwoman Frank moved for adoption of Ordinance No. 1367, subject to compliance with the Erosion Control Ordinance, Section 8-80 of the Code of Ordinances of the City of Asheville. This motion was seconded by Councilman Myers.

Councilman McDevitt requested that he be excused from voting on this issue since his law firm represents Wachovia Bank and Trust Company.

Councilwoman Frank moved to excuse Councilman McDevitt from voting on the rezoning issue. This motion was seconded by Councilman Myers and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1367 passed on first reading.

Councilwoman Frank moved to suspend the rules and proceed to the second reading of Ordinance No. 1367. This motion was seconded by Councilwoman Bratton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1367 passed on second reading.

Councilwoman Frank moved to suspend the rules and proceed to the third and final reading of Ordinance No. 1367. This motion was seconded by Councilwoman Bratton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 1367 passed on third and final reading.

Complete text of Ordinance No. 1367 will be found in Ordinance Book No. 10 at page 11.

ORDINANCE NO. 1365 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Conservation Overlay for Historic Properties)

3. Consideration was given to the third reading of Ordinance No. 1365, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended creating a new district entitled "Conservation Overlay for Historic Properties."

Mayor Trantham said this ordinance was previously read on first and second readings and would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 1365 passed on third and final reading.

Complete text of Ordinance No. 1365 will be found in Ordinance Book No. 10 at page 6, 7, 8, and 9.

Verl Emrick, Director of Planning, said due to opposition from the Mid-City Merchants Association, a decision was made to hold the Bele Chere Festival mainly in the City/County Plaza area. He said he did not think that the Mid-City Merchants Association have businesses on Haywood Street.

Councilman McDevitt said he had talked with a representative of the Mid-City Merchants Association and was told they were not opposed to the closing of Haywood Street from the Civic Center to the Money Tree. He said they were opposed to the entire closing off of Haywood Street. He said this association would not oppose the Bele Chere Festival if it was conducted in the manner it was first started. He said they were opposed to dealers selling on the street particularly for imports and "junk-type dealers." He said they felt it should include more art and craft booths.

After a lengthy discussion relative to the feelings of the merchants in the downtown area, Councilwoman Frank moved to instruct the City Manager to meet with all organizations and individuals involved and re-evaluate the decision relative to Bele Chere Festival and report his findings to members of Council at next week's meeting. This motion was seconded by Councilwoman Bratton and carried unanimously.

SCHEDULING OF CITY COUNCIL MEETING FOR MAY 10, 1983

Councilman McDevitt moved to schedule the City Council meeting for May 10, 1983 at 1:00 p. m. in the Asheville Civic Center Banquet Room. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING OF PUBLIC HEARING RELATIVE TO THE USE OF REVENUE SHARING FUNDS

Councilman McDevitt moved to schedule a public hearing relative to the use of Revenue Sharing Funds for 1983/84 for May 17, 1983. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING OF PUBLIC HEARING RELATIVE TO GROUP DEVELOPMENT REVIEW - EVERGREEN RIDGE RETIREMENT CENTER

Councilman Myers moved to schedule a public hearing relative to the group development review of the "Evergreen Ridge Retirement Center" for May 24, 1983. This motion was seconded by Councilwoman Frank and carried unanimously.

CLAIMS - MICHAEL TUCKER (PARKS & RECREATION) - NANCY TABEL (FIRE DEPARTMENT) - CATHY STRASSER (PARKS AND RECREATION) - YMCA, INC. (POLICE DEPARTMENT) - WILLIE LITTLE, JR. (WATER & SEWER) - DANIEL JENNINGS (WATER & SEWER) - MARGARET HUTCHISON (PUBLIC WORKS) - SHERRY LINDSEY (PUBLIC WORKS) - ANGELA JACOBSON (PARKS AND RECREATION)

The City Manager presented claims received from Michael Tucker, Nancy Tabel, Cathy Strasser, YMCA, Inc., Willie Little, Jr., Daniel Jennings, Margaret Hutchison, Sherry Lindsey, Angela Jacobson.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

471

FRIDAY & SATURDAY - July 29 & 30, 1983

HAYWOOD ST. CLOSED

Asheville, N.C. 28801
Philip K. ...
 MARTIN'S SHOE STORES, INC.
 36 HAYWOOD STREET
 ASHEVILLE, NC 28801

Alexie Price
Bonne House

PAY TO THE ORDER
FIRST NATIONAL BANK
ASHEVILLE, NC
FOR DEPOSIT ONLY
THE ASSOCIATED PRESS

MALAPROP'S BOOKSTORE
61 HAYWOOD ST.
ASHEVILLE, N.C. 28301
704 253 5211

ASHEVILLE DISCOUNT PHARMACY
57 HAYWOOD STREET
ASHEVILLE, N.C. 28801
258-8511

Wood

718 F. W. HENON
HOLLYVILLE, IN

1740 10 12

THE CAMERA HOUSE
27 HAWTHORNE STREET
NEW YORK 10014

ASHEVILLE, N. C. 286
YCO D.S., INC. #121
Haywood St.
N. C. 28601

FOR DEPOSIT ONLY
THE MONEY TREE
0450100759

INC.

ERTH CO.
C. 23231

Nancy Stamp

36 HAYWOOD STREET
ASHEVILLE, NC 28801
Proctor

Paul Lane
Betty Lane
John P. Mc...

Ray T. Leung

O'Keefe's
 Long Release
 100% DISCOUNT GUARANTEE

Gordon's Jewelers
28 Haywood Street
Asheville, N.C. 28801

713 E. W. HIGGINS

THE CAMERA HOUSE

REYCO D.S., INC. #1212
21 Haywood St.

PAY TO THE ORDER
WACHOVIA BANK
ASHEVILLE, NC
FOR DEPOSIT ONLY

10

Y. INC

1

TH CO.

Chief Police Fred Hensley said the Police Department staff has not been contacted relative to Mr. Patel's complaints. However, he said as far as the parking problem is concerned there is a North Carolina Law which prohibits the law enforcement officers to remove cars from private property. He suggested that the owner, pursuant to N. C. General Statutes post 24 x 24 very visible signs that no parking is allowed and then the owner would have the authority to remove the cars.

Chief Hensley said as far as the prostitution problem is concerned, the problem has been there for years. He said according to police department reports 195 arrests for prostitution were made since January, 1981. However, it is only a turn-a-around situation whereby the prostitute is taken to court, pays a minimum fine and is back on the streets.

Chief Hensley suggested that the Crime Prevention officers meet with Mr. Patel and other merchants in the area to see what can be done together to solve the problems mentioned by Mr. Patel.

REZONING STUDY IN THE CHURCH STREET/RAVENS CROFT DRIVE AREA

Several ladies who are residents of the Church Street area complained to Council relative to the new development taking place on Church Street and urged Council to proceed with the rezoning study in the area to make the property residential.

Mayor Trantham asked the ladies to attend the Planning and Zoning Commission meeting on May 4, 1983 at which time this rezoning would be reviewed.

STATUS REPORT - RESTORATION OF 230 CUMBERLAND AVENUE

Mr. Lem Moore, Director of Inspections, said an inspection was made at the dwelling of 230 Cumberland Avenue today at 12:00 noon. He said no evidence of work in several weeks. He said the yards and debris is regressing. He said the yards are full of litter and the banks on Soco Street are littered from debris coming from 230 Cumberland Avenue. He said electrical and plumbing permits were issued six (6) months ago, however no one has ever called in for an inspection.

RALPH BISHOP - COMMENTS RELATIVE TO POLICE DEPARTMENT AND SELLING OF LOTTERY TICKETS

Mr. Ralph Bishop again spoke to Council relative to the conduct of several police department employees, both current and former employees and about lottery sells in the City of Asheville.

ADJOURNMENT

Upon motion, the meeting adjourned at 5:25 p. m.

Reginald M. Trantham
MAYOR

William J. McCreary
CITY CLERK

103

RESOLUTION NO. 83-68 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY (Property on Valley Street)

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company.

The City Manager read the resolution stating that Carolina Power and Light Company has requested the City of Asheville to execute right-of-way easement on property belonging to the City of Asheville bounded by South Beaumont Street on the North, Valley Street on the East and by Market Street on the West for the purpose of updating an existing electric power line as shown on a right-of-way drawing attached to the resolution.

Upon motion of Councilwoman Frank, seconded by Councilwoman Bratton, Resolution No. 83-68 was unanimously adopted.

Complete text of Resolution No. 83-68 will be found in Resolution Book No. 14 at page 22.

RECOGNITION OF JUDY EDMONDS WITH MAYOR'S EMPLOYMENT OF THE HANDICAPPED COMMITTEE

Mayor Trantham recognized Judy Edmonds with the Mayor's Employment of the Handicapped Committee for receiving an award from the Governor's Advocacy Council as "Outstanding Mayor's Committee of North Carolina." Ms. Edmonds, in turn, presented the Mayor with the Award thanking him for all his time and support for the Mayor's Employment of the Handicapped Committee.

MR. B. PATEL, OWNER OF DOWNTOWNER MOTOR INN - COMMENTS RELATIVE TO PARKING PROBLEMS AND PROSTITUTION PROBLEMS IN THE AREA

Mr. B. Patel, Owner and President of the Downtowner Motor Inn at 120 Patton Avenue spoke to Council relative to parking problems within his business. He said the patrons of the Cahoots Restaurant across the street on Grove Street insisting on parking in the Downtowner Motor Inn parking lot. He said efforts to thwart this problem has been taken up in earnest with the proprietor of the Cahoots Restaurant but to no avail. He said his parking lot is not large enough to accomodate patrons of the Cahoots Restaurant. He said recently they have been towing the cars away. He asked Council to help solve this problem.

Mr. Patel also spoke to Council concerning the image and morals involved in the questionable conduct of women and men who too often are seen cavorting on Asheland Avenue directly behind the Downtowner Motor Inn. He said the dress and actions of the "ladies of the evening" on the sidewalks and parking places on Asheland Avenue is revolting and a cause for concern, particularly for guests of the motel. He said the "ladies of the evening" tend to drive good guests away and hurt business. He ask Council for relief on this problem. Mr. Patel also presented letters from other businesses in the area complaining of the same problem.

PRESENTATION BY ALLEN WILCOX - ANNUAL REPORT - WESTERN ALLIANCE: A COALITION OF DISABLED AND CONCERNED CITIZENS

Mr. Allen Wilcox, Past Chairman on activities of the "Western Alliance: A Coalition of Disabled and Concerned Citizens." gave an annual report on the accomplishments of the committee relative to the International Year of Disabled Persons and the National Year of Disabled Persons. He said the United Nations has proclaimed the Decade of 1983-1992 as the "Decade of Disabled Persons." He said George Swift was appointed as liaison by the Mayor and Chairman of the County Commissioners until his unfortunate passing in April, 1982. He said the committee has been active in sponsoring events and legislation primarily dealing with the disabled persons. He said their future goals include the continuing of the Bele Chere displays, Fun Day at Lake Julian, Legislative Advocacy, and to expand the coalition. He said later this month there will be a memorial service in memory of George Swift.

Mr. Wilcox said the N. C. Alliance will be holding their second convention in June in Washington and since this program is sponsored by the city and county governments he requested that the city and county fund the trips to the convention. He said the cost would be approximately \$65.00 per person.

After discussion, Mayor Trantham said Council would take his request under advisement and let him know the action taken on the request by next week.

RESOLUTION PROCLAIMING MAY, 1983, AS OLDER AMERICANS' MONTH IN THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY

Vice-Mayor Price read a resolution proclaiming the month of May, 1983 as Older Americans' Month in the City of Asheville and Buncombe County.

Upon motion of Commissioner Riddle, seconded by Councilwoman Frank, the resolution was unanimously adopted.

DISCUSSION RELATIVE TO CONSOLIDATION OF CITY/COUNTY RECREATION

Mr. Bill Phiffer, Chairman of the Parks and Recreation Advisory Board, presented a taped presentation of the plan and recommendations for the consolidation of the City and County Parks and Recreation Departments. He also presented members of Council and the Commissioners a copy of the attached memorandum dated March 31, 1983 to Members of City Council, Operating Budget 1982/83, Comparative Salaries, General Statement of Positive Benefits, and Budget Comparisons.

A discussion was held relative to asking the David Griffith firm to review the information and give a statement of their findings and asking the City and County auditors to review the information and report their findings.

Commissioner Ledbetter said he had problems with consolidating the two departments. He said he felt it should stay as it is presently. He said there is presently a difference between city and county recreation and he foresaw an increase in cost down the road due to demands for equal services.

MINUTES OF THE JOINT MEETING BETWEEN THE ASHEVILLE CITY COUNCIL AND THE
BUNCOMBE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE HELD
TUESDAY, APRIL 12, 1983 - 2:00 P. M.

A joint meeting between the Asheville City Council and the Board of Commissioners for Buncombe County was held on Tuesday, April 12, 1983 at 2:00 p. m. in the Council Chambers, Asheville, North Carolina.

The meeting was called to order by Vice-Mayor Norma Price.

The following members were present:

Roy M. Trantham, Mayor of the City of Asheville
Norma T. Price, Vice-Mayor of the City of Asheville
Mary Lloyd Frank, Councilwoman
Joe Pless, Councilman
Wilhelmina Bratton, Councilwoman
Gordon Myers, Councilman

R. Curtis Ratcliff, Chairman, Buncombe County Commissioners
Doris P. Giezentanner, Vice-Chairman, Buncombe County Commissioners
Jesse E. Ledbetter, Commissioner
J. D. Jackson, Commissioner
Robert E. Riddle, Commissioner

Absent: Councilman Larry McDevitt (due to illness)

Also present: K. M. Michalove, City Manager
W. F. Wolcott, Associate City Manager/City Clerk
Ray Kisiah, Director of Parks and Recreation
Bill Phiffer, Chairman, Parks and Recreation Advisory Board
Carol Hensley, Deputy City Clerk
W. F. Taylor, County Director of Finance
David Cunningham, Administrative Assistant- County of Buncombe
Chuck Tessier, County Planner

News Media Present: Merianne Epstein

Citizens: Allen Wilcox, Ben Williams, Traynham Houston

RESOLUTIONS OF APPRECIATION TO TRAYNHAM HOUSTON AND BEN WILLIAMS - SERVICE TO
THE BUNCOMBE COUNTY BOARD OF TAX SUPERVISION

Chairman Ratcliff read resolutions of appreciation to Traynham Houston and Ben Williams for their service to the Buncombe County Board of Tax Supervision.

Upon motion of Commissioner Giezentanner, seconded by Commissioner Jackson, the resolutions were unanimously adopted.

ANNUAL BUDGET COMPARISONS 1982-83

	CITY*	COUNTY**	TOTAL
ADMINISTRATION	\$ 176,528	\$ 60,860	\$ 237,388
RECREATION PROGRAM	1,045,249	249,627	1,294,876
PARKS & PUBLIC FACILITIES	741,052	271,900	1,012,952
SPECIAL FACILITIES	546,158	437,295	983,453
FEDERAL GRANTS	(CBA) 20,000	(TVA) 40,000	60,000
SUBTOTAL	2,528,987	1,059,682	3,588,669
LESS REVENUES	429,468	152,800	582,268
NET TOTAL	2,099,519	906,882	3,006,401

*Does not include City Hall Building Maintenance

**Includes Nature Center

During a discussion relative to personnel for the two departments Commissioner Riddle suggested that the intent of the Council and Commissioners be expressed pursuant to a plan of personnel reorganization being administered by the City Council and the County Commissioners.

Chairman Ratcliff said if the board operating the recreation departments are appointed with three by the city and three by the county it would reduce the representation of those living outside the city. He said the provisions of the Water Agreement takes care of the recreation needs for the city and county.

Mayor Trantham disagreed that the "three-three" board would be an unbalanced representation.

Commissioner Giezentanner said any action taken by the board today does not have to "be in concrete."

After discussion, Commissioner Jackson moved that the respective auditors of the city and county review the information developed and to ask them to give the governing bodies a statement of their findings and that a plan for personnel reorganization be developed. This motion was seconded by Councilwoman Frank and carried on a voice vote of 9-2, with Chairman Ratcliff and Commissioner Ledbetter voting "no."

Councilman Myers said the governing bodies should look at the total reorganization and the savings cost involved in consolidating the two departments.

Commissioner Riddle said as a advocate of consolidation, he felt this was a fragmentation of consolidation.

COMMENTS BY BILL ALGARY - APPRECIATION DAY FOR MORRIS MCGOUGH

Mr. Bill Algary invited all Council members and County Commissioners to attend the "Appreciation Day for Morris McGough" on May 7, 1983.

ADJOURNMENT

There being no further business to come before the joint city/county meeting, the meeting adjourned.


CITY CLERK, CITY OF ASHEVILLE


MAYOR, CITY OF ASHEVILLE

GENERAL STATEMENT OF POSITIVE BENEFITS OF CONSOLIDATION OF CITY/COUNTY RECREATION

Since this is not just a consolidation of what we are doing now, but an opportunity to bring even greater recreation services to the people of this County at no additional cost, here are some positive new benefits of consolidation:

1. Greater service can be provided to senior citizens in program and coordination at no additional cost through the use of existing personnel and through the use of volunteer services and facilities.
2. Support, coordination and assistance can be given to the establishment of programs for the adult physically and mentally handicapped and the current programs for the physically and mentally handicapped youth can be expanded.
3. Duplication of program efforts for youth and adult athletics can be eliminated. For example, there are now two separate and competing programs for adult softball, basketball, volleyball, and soccer.
4. Services to youth sports programs can be expanded, especially in such areas as youth coaches clinics, umpire training, reduced cost of insurance, and coordinated scheduling of programs.
5. In areas where there are youth activities lacking, programs can be started, either through use of existing staff or through greater utilization of the Asheville-Buncombe Youth Council.
6. New programs can be started such as the development of a comprehensive swim program, including learn to swim, water safety, and competitive swimming for all ages by using existing staff and community facilities.
7. The economic benefits of bringing in tourists for major events can be maximized by such events as volleyball tournaments, swimming meets, tennis tournaments, bicycle races, track and field events, and others. Many of these events can be during the normal off-season tourist times of the year.
8. Administrative costs can be reduced. For example, two directors are not needed, the staff for Recreation Park and the Nature Center can be combined, one superintendent of maintenance will be needed instead of two, planning and program duplication will be eliminated.
9. Currently available staff now working can pool talents in construction, use of specialized equipment, energy conservation, maintenance, federal funding, and programming. This will permit specialty development with greater efficiency resulting.
10. Park maintenance facilities and equipment could be pooled, thus eliminating the need for the construction of a County park maintenance facility.

BUDGET COMPARISONS

	PRESENT TOTAL	PROPOSED CONSOLIDATED	SAVINGS
ADMINISTRATION	\$ 237,388	\$ 237,388	-0-
RECREATION PROGRAM	1,294,876	1,271,447	23,429
PARKS & PUBLIC FACILITIES	1,012,952	938,742	74,210
SPECIAL FACILITIES	983,453	970,783	12,670
FEDERAL GRANTS	60,000	60,000	-0-
SUBTOTAL	3,588,669	3,478,360	110,309
LESS REVENUES	582,268	582,268	-0-
NET TOTAL	3,006,401	2,896,092	110,309

Does not include City Hall Building Maintenance

Includes Nature Center

The savings summarized above can be accomplished with no reductions in salary for any existing personnel, by making the following changes:

1. Two (2) existing County employees would be transferred to fill two (2) existing City vacancies;
2. Four (4) new positions would be created and filled by transferring existing personnel; 3 by the County and 1 by the City.
3. Two (2) County positions would be changed from full-time to seasonal;
4. Five (5) existing City positions would be deleted.

PARKS AND RECREATION OPERATING BUDGET (B2-83)

	<u>EXPENDITURES</u>	<u>REVENUES</u>	<u>NET COST</u>
	\$199,685	\$201,947	-0-
Municipal Golf Course			
Recreation Park and Pool	122,359	36,990	\$ 85,369
McCormick Field/Memorial Stadium	95,665	7,000	88,665
Aston Park Tennis Courts	38,500	13,000	25,500
Asheville-Buncombe County Youth Council	44,109	20,666	23,443
Bee Tree Lake and Pool	<u>75,000</u>	<u>25,000</u>	<u>50,000</u>
TOTALS	\$575,318	\$304,603	\$272,977

*Estimated, based on past experience

NET OPERATING COST (TOTAL)

\$272,977

ADD: From Park Maintenance Budget to cover cost
for services performed by this division at
these 6 facilities - average annually

200,413

From Administrative Budget to cover cost
for services performed by this division for
these 6 facilities

32,520

TOTAL CURRENTLY SPENT ON THESE FACILITIES OUT OF
THE PARKS AND RECREATION OPERATING BUDGET

\$505,910

CITY/COUNTY COMPARATIVE SALARIES

<u>CLASS</u>	<u>COUNTY</u>	<u>CITY</u>
Laborer	8,320 - 10,530	7,862 - 10,504
Lead Laborer/Maintenance Supervisor	10,972	9,526 - 12,147
Equipment Operator I	8,996 - 11,440	9,068 - 11,544
Labor Crew Supervisor I	12,948	11,544 - 14,768
Labor Crew Supervisor II	16,718	12,771 - 16,265
Carpenter	14,644	11,544 - 14,768
Secretary	9,360 - 10,530	9,308 - 11,908
Recreation Center Director (II)	12,948	13,130
Assistant Recreation Center Director (I)	11,934	11,336
Park Ranger	10,140 - 11,440	8,866 - 11,336

MEMORANDUM TO: Members of City Council

Page 2

March 31, 1983

7. The City Council is satisfied that consolidation of recreation will save money and provide a better program for all; however, if there is still a question of whether or not it will save money, we recommend the following:

- A. Ask the City and County auditors to review the information developed and ask them to give us a statement of their findings.
- B. Ask the David Griffith firm to review the information and give us a statement of their findings.

Either of these alternatives can be used to determine the actual difference and significance of the problem, if any, as it pertains to current salaries and fringe benefits of City/County recreation employees.

March 31, 1983

MEMORANDUM TO: Members of City Council

FROM: Roy Trantham, Mayor
Mary Lloyd Frank, Councilwoman
Bill Pfeiffer, Chairman, Recreation Advisory Board

As members of the City Council/Recreation Advisory Board Committee, the following are our recommendations for the statement to present to the County Commissioners at our joint meeting:

1. We recommend that there be a board of seven members, three appointed by the City Council, three appointed by the County Commissioners, and one appointed by those six.
2. We recommend that this board of seven hire the director.
3. We recommend that the director hire all other employees under salary, fringe benefits, and personnel policies adopted by the board and approved by the City Council and the County Commissioners. These policies shall be adopted as soon as possible, but no later than one year from the date the board is named. Until such time as the policies are adopted, all current employees would stay under the systems they are now under and personnel matters will be dealt with on a case by case basis under those systems.
4. Funding of County Recreation will be that the County will fund the activities they are funding now, plus those activities under the water agreement as they come due. The County Commissioners' control over recreation shall basically be through the budget process in what they want to fund.
5. Funding of City Recreation will be that the City will fund the activities they are funding now, minus those activities under the water agreement as they come due. The City Council control over recreation shall basically be through the budget process in what they want to fund.
6. Since the method of administrative cost needs to be decided and the City currently has the firm of David M. Griffith & Associates, Ltd., under contract to do a "cost allocation study," and since the County Commissioners have used this firm for the CETA Audit, we recommend that this firm recommend an administrative cost formula to the Commissioners and Council.

RESOLUTION # _____

RESOLUTION OF APPRECIATION

WHEREAS, Traynham Houston and Ben Williams have served with great dedication and distinction as members of the Buncombe County Board of Tax Supervision; and

WHEREAS, they have rendered superb service during perhaps the hardest of times for any Board of Tax Supervision; and

WHEREAS, their reputation is hallmarked by integrity, determination and fairness; and

WHEREAS, their action and service as members of the Buncombe County Board of Tax Supervision have been an inspiration to all of us.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe and the Asheville City Council as follows:

1. That this Board and Council extend their heartfelt thanks for the invaluable service which Traynham Houston and Ben Williams have rendered to our community as members of the Buncombe County Board of Tax Supervision.
2. That this resolution shall become effective upon its adoption.

Adopted this the 12th day of April, 1983.



BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: R. Curtis Ratcliff
R. Curtis Ratcliff, Chairman

ASHEVILLE CITY COUNCIL



By: Roy M. Traynham
Roy M. Traynham, Mayor

RESOLUTION # _____

RESOLUTION PROCLAIMING MAY, 1983, AS OLDER AMERICANS' MONTH IN THE
CITY OF ASHEVILLE AND BUNCOMBE COUNTY

WHEREAS, the older citizens of Buncombe County have contributed through their experience, time, and energy to greatly to this county; and

WHEREAS, Older Americans are the fastest growing segment of the population of the United States; and

WHEREAS, The increase in elderly population also increases the problems of disability, sickness, isolation, and low income for a significant segment of our citizens; and

WHEREAS, the Buncombe County and the City of Asheville appreciate the contributions to this community by numerous older persons and support the development of comprehensive and coordinated services for older persons.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe and the Asheville City Council as follows:

- 1). That the Month of May, 1983, be designated Older Americans' Month in Buncombe County and the City of Asheville, and be recognized as a special time to appreciate the needs and contributions of its older citizens.
- 2) That this resolution shall be effective upon its adoption.

Adopted this the 12th day of April, 1983.

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: R. Curtis Ratcliff
R. Curtis Ratcliff, Chairman

ASHEVILLE CITY COUNCIL

By: Roy H. Grantham
Roy H. Grantham, Mayor



ORDINANCE NO. 1368 - BUDGET ORDINANCE AMENDMENT RELATIVE TO BELE CHERE

3. Consideration was given to a budget ordinance amendment relative to Bele Chere.

The City Manager said this budget amendment in the amount of \$10,000 is to establish funding for the 1983 Bele Chere Festival. \$5,000 from the City and \$5,000 from the County. He said a meeting with the downtown merchants was held this morning and everything has been worked out to the satisfaction of the merchants as to the location of Bele Chere Festival and the closing of the streets in connection with the Festival. He said Haywood Street would be closed from the Civic Center to the Money Tree and in front of Wachovia Bank at Pritchard Park.

Ralph Bishop opposed the funding for the Bele Chere Festival.

Vice-Mayor Price moved for the adoption of Ordinance No. 1368. This motion was seconded by Councilman McDevitt.

On a roll call vote of 6-0, Ordinance No. 1368 passed on first and final reading.

Complete text of Ordinance No. 1368 will be found in Ordinance Book No. 10 at page 12.

ADJOURNMENT FOR DESIGN CONCEPT WORKSHOP FOR DOWNTOWN PROJECTS

Vice-Mayor Price moved to adjourn the regular Council meeting turning the meeting over to Mr. Maury Winger, Chairman for the Asheville Downtown Commission in order to conduct a design concept workshop for downtown projects. This motion was seconded by Councilman McDevitt and carried unanimously.

At this time Mayor Trantham turned the meeting over to Mr. Maury Winger, Chairman of the Asheville Downtown Commission.

May 1983
MAYOR
William F. McDevitt
CITY CLERK

107

Tuesday - May 10, 1983 - 1:00 p. m.
Civic Center Banquet Room

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina B. Bratton, Councilmen Gordon Myers, and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Joe Pless

INVOCATION

Mayor Trantham introduced Rev. Mosely who gave the invocation.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 3, 1983 meeting.

Upon motion of Councilwoman Frank, seconded by Councilman Myers, the minutes of the May 3, 1983 meeting were unanimously approved as submitted.

PUBLIC HEARING - DEMOLITION AND REMOVAL OF 19 BLAKE STREET

2. A public hearing was held relative to the adoption of an ordinance directing the Code Enforcement Officer to proceed with the demolition and removal of 19 Blake Street.

Mayor Trantham opened the public hearing at 2:01 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Mr. Lem Moore, Director of Inspections, said the dwelling house at 19 Blake Street has been found to be unfit for human habitation, unsafe, and dangerous to life. He said he had talked with the owner of 19 Blake Street, Mr. Chaplain and was told that the house has not been repaired due to his financial status. He said Mr. Chaplain told him that he had just satisfied the mortgage on the house last month and was now in a position to repair the dwelling. He said repairs have been started on the dwelling but no permits have been obtained to do so. He said Mr. Chaplain has agreed to obtain the necessary repair permits and bring the house up to code standards. He said he would have no objections to continuing the public hearing for one (1) week giving Mr. Chaplain an opportunity to obtain the necessary permits and begin the repairs.

Councilman Myers moved to continue the public hearing for one (1) week. This motion was seconded by Councilwoman Frank and carried unanimously.

RECOGNITION OF STUDENTS WITH "UP WITH PEOPLE"

Mayor Trantham recognized Mr. Scott Ward and Moens Yepsten with the "Up With People" cast.

THEREFORE BE IT RESOLVED: That the members of the Lexington Park Association and the merchants on Lexington Avenue do commend Asheville Police Chief Fred Hensley and the members of the Asheville Police Department for the effective law enforcement they are providing and the cooperation they are giving to the merchants in the Lexington Avenue area.

SIGNED This 12th day of May, 1983.

/s/ Tom E. Muncy
Tom E. Muncy, Spokesman
Lexington Avenue Merchants

/s/ David L Brown
David Brown, President
Lexington Park Association

PUBLIC HEARING - PROPOSED USE OF REVENUE SHARING EXPENDITURES FOR 1983/84

2. A public hearing was held relative to proposed use of Revenue Sharing expenditures for 1983/84.

Mayor Trantham opened the public hearing at 4:17 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

Mr. Bob Wurst, Audit and Budget Director, said the General Revenue Sharing guidelines require that a public hearing be held for suggested uses of Revenue Sharing expenditures for 1983/84. He said \$575,000 would be carried forward and the amount of general revenue sharing funds available for Fiscal 1983/84 is approximately \$673,000 plus interest and accruals, making a total of \$1,324,000. He said Revenue Sharing has been funded through September, 1983. He said if Revenue Sharing funding is continued the budget will be amended to reflect the additional funding. He said the use of revenue sharing funds will be for capital items of high priority.

Councilwoman Frank and Councilwoman Bratton said they supported Revenue Sharing funding.

Vice-Mayor Price said it is her understanding that Revenue Sharing funding will be continued.

Mayor Trantham closed the public hearing at 4:25 p. m.

PUBLIC HEARING - REZONING PROPERTY OF THE GROVE PARK INN COUNTRY CLUB

3. A public hearing was held relative to rezoning property of the Grove Park Inn Country Club from R-1 Residential District to OI-Office Institutional District.

Mayor Trantham opened the public hearing at 4:28 p. m.

The City Manager presented the notice to the public setting the time and date for the public hearing.

107

Tuesday - May 17, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Mary Lloyd Frank, Councilwoman Wilhelmina B. Bratton, Councilmen Gordon Myers, Joe Pless and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

INVOCATION

The invocation was given by Councilman Larry McDevitt.

APPROVAL OF THE MINUTES

T. Approval of the minutes of the May 10, 1983 meeting.

Upon motion of Vice-Mayor Price, seconded by Councilman McDevitt, the minutes of the May 10, 1983 meeting were unanimously approved as submitted.

RESOLUTION PRESENTED TO MEMBERS OF COUNCIL RELATIVE TO LEXINGTON AVENUE

Mr. Tom Muncy, spokesman for the Lexington Avenue Merchants and a member of the Lexington Park Association, presented the following resolution to members of Council:

R E S O L U T I O N

- WHEREAS: Lexington Avenue is located in downtown Asheville, North Carolina, and
- WHEREAS: The history, culture and tradition of the commercialization of Lexington Avenue has been of note for several decades, and
- WHEREAS: Part of this history and culture has been the open solicitation of illegal prostitution by a certain group of women, and
- WHEREAS: This seamy part of Lexington Avenue's history has been generally accepted by the public to such an extent that it is referred to in the song "Asheville, Land of the Sky", written by Billy Ed Wheeler in 1982, and
- WHEREAS: There has been a concentrated effort to change the image of the Lexington Avenue area by renovating buildings, sprucing up storefronts and landscaping sidewalks, and
- WHEREAS: These revitalization efforts have been marred by the continued existence of the open solicitation on the street by these prostitutes, and
- WHEREAS: The Asheville Police Department has instituted a foot patrol service to restore and reinforce legal business actions on Lexington Avenue, now

Mayor Trantham spoke in support of the rezoning request stating that he felt it would provide a convenience for the people using the facility to use the restaurant and add additional patronage for the restaurant. He also spoke in support of the management of the Grove Park Inn.

Upon inquiry of Council, Mr. Von Treskow said he could, without rezoning, lower the price of membership at the Club and have more members but he felt the traffic would increase as well as the clientele.

Attorney Jack Westall, speaking on behalf of the Grove Park Inn, spoke in support of the rezoning stating that no harm could come to the residents of the area if the restaurant was open to the public. He said no new concept would be instituted as a result of this action. He said he did not feel taxes in the area would decrease. He said the tax valuations are now high partly because of the existence of Grove Park Inn and the Country Club.

The following individuals spoke in support of the rezoning:

Freda Baker, employee of Grove Park Inn
Lucy Goforth, cashier at Grove Park Inn
Robert Chesnk, employee of Grove Park Inn

The following individuals spoke in opposition to the rezoning:

Max Haner, Kimberly Avenue
Clark Britt, 275 Kimberly Avenue
Gail Britt, 275 Kimberly Avenue
Walter Gaid, Club View Road
Lee Sterling, 200 Kimberly
Everett Burke, Club View Road
Ray Scoville, Kimberly Avenue

Mayor Trantham closed the public hearing at 5:41 p. m.

A discussion was held relative to an expanded area being requested to be rezoned, an area larger than was considered by the Planning and Zoning Commission.

The City Manager read the ordinance rezoning the area as petitioned.

After discussion, Vice-Mayor Price moved to table consideration of the rezoning for one (1) week instructing the Corporation Counsel to render an opinion on "spot zoning" as far as the expanded area is concerned and to determine whether this facility is a candidate for consideration under the Historic Overlay District ordinance. This motion was seconded by Councilwoman Frank and carried on a voice vote of 6-1, with Councilwoman Bratton voting "no."

Councilwoman Bratton said she felt a decision should be made at today's meeting on the rezoning.

100

Verl Emrick, Director of Planning, said he is a member of the Country Club and even though there is no statutory conflict he has removed himself from the discussion of the rezoning.

Sonya Luckadoo, from the Planning Department, reviewed the background of the rezoning petition and stated that the Asheville Planning and Zoning Commission at a meeting held April 13, 1983, considered the petition of the Jack Tar Grove Park Inn by Attorney Jack Westall that a portion of Lot 1, Sheet 46, Ward 9, be rezoned from R-1 Residential District to OI - Office Institutional District. After review and discussion, the Commission voted unanimously to recommend denial of this request to Council. However, the petition appealed the decision of the Planning and Zoning Commission to City Council. She said the Planning and Zoning Commission had received an opinion from the Corporation Counsel that the rezoning would be "spot zoning" an illegal action in which a single tract of land is rezoned in contrast to surrounding tracts of land.

Mr. Garrett AlDefer and Mr. Dick Trammel from the Asheville Area Chamber of Commerce spoke in support of the rezoning to allow the Grove Park Inn Country Club, now a private clubhouse and restaurant open to the general public. They spoke in support of the management of Mr. Herman Von Treskow stating that many positive changes have occurred since he took over the management.

Mr. Herman Von Treskow, General Manager of Grove Park Inn, spoke in support of the rezoning stating that the 80 seat restaurant is losing money as a members-only public. He said the requested rezoning would allow the restaurant to serve the public.

Ms. Patsy Smith, employee of Grove Park Inn, also spoke in support of the rezoning.

Mr. Lloyd Kirk, Owner of the Forest Manor Motor Lodge and an officer of the North Carolina Hotel/Motel Association, spoke in support of the rezoning.

Attorney Gary Rowe said he represented various homeowners in the Grove Park Area who are in opposition to the rezoning. He also said a protest petition was filed with the Office of the City Clerk which was sufficient to require the enforcement of the 20% rule or 6 affirmative votes of Council in order to rezone the property. He also requested that the Council consider the recommendation made by the Planning and Zoning Commission to deny the rezoning request. He said the rezoning to OI Office Institutional would be a less restrictive zone for the area residents. He said the property owners maintain that such a rezoning would increase traffic, noise, and parking and would bring down the value of their homes. In addition, they voiced concern over what could happen to the site in the future such as allowing more units per acre in the OI Office Institutional Zone or what use might be made of the site in the future. He said he also agreed with Corporation Counsel Moore that the rezoning would be considered "spot zoning," citing the "Blade vs. Raleigh" case.

Upon inquiry of Vice-Mayor Price, Mr. Rowe said he had not thoroughly reviewed the Historical Overlay District ordinance to see if this case would apply to that ordinance. He said however, he did feel there would be some problems with a Historical Overlay designation.

437

RESOLUTION NO. 83-71 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR ECONOMIC DEVELOPMENT ADMINISTRATION FUNDS FOR THE BEE TREE TREATMENT PLANT PROJECT

7. Consideration was given to a resolution authorizing the Mayor to execute an application for Economic Development Administration funds for the Bee Tree Treatment Plant Project.

The City Manager read the resolution stating that the Economic Development Administration has invited the City of Asheville and the Asheville/Buncombe Water Authority to submit an application for grant funding assistance in the Bee Tree Water Treatment Plant project. Local match funds are appropriated in the Water Major Capital Improvements Fund. It is necessary for the City of Asheville to be a co-grantee along with the Asheville-Buncombe Water Authority due to grantor agency requirements.

Upon inquiry of Councilman McDevitt, the City Manager said this would have a budget impact of \$1,200,000 in grant funding.

Upon motion of Councilwoman Frank, seconded by Vice-Mayor Price, Resolution No. 83-71 was unanimously adopted.

Complete text of Resolution No. 83-71 will be found in Resolution Book No. 14 at page 25.

RESOLUTION NO. 83-72 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE RELATING TO AMENDMENTS OF CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES KNOWN AS THE HOUSING CODE

8. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance relating to amendments of Chapter 8, Article II, of the Code of Ordinances known as the Housing Code.

The City Manager read the resolution stating that this public hearing will deal with amending the Housing Code to implement changes recommended by the Code Study Committee for June 7, 1983.

Upon motion of Councilman McDevitt, seconded by Councilman Myers, Resolution No. 83-72 was unanimously adopted.

Complete text of Resolution No. 83-72 will be found in Resolution Book No. 14 at page 26.

SCHEDULING OF PUBLIC HEARING - REZONING PORTION OF CHURCH STREET AND RAVENSCROFT DRIVE

9. Councilman McDevitt moved to schedule a public hearing relative to rezoning a portion of Church Street and Ravenscroft Drive from CBD to R-4 Residential District for June 7, 1983. This motion was seconded by Councilman Myers and carried unanimously.

CONTINUATION OF PUBLIC HEARING -DEMOLITION AND REMOVAL OF 19 BLAKE STREET

4. A public hearing relative to the adoption of an ordinance directing the Code Enforcement Officer to proceed with the demolition and removal of 19 Blake Street continued.

Mayor Trantham said this public hearing was continued from the May 10, 1983 meeting.

Lem Moore, Director of Inspections, requested that the hearing be continued indefinitely as long as work on the dwelling continues to progress. He said the owner of 19 Blake Street has obtained the necessary permits to repair the dwelling and is currently working on the dwelling.

Councilman Myers moved to continue the public hearing indefinitely as long as work is continuing to progress at 19 Blake Street. This motion was seconded by Councilwoman Frank and carried unanimously.

RESOLUTION NO. 83-69 - RESOLUTION AUTHORIZING THE PURCHASING DIRECTOR TO DISPOSE OF PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE (Tree at Riverside Cemetery)

5. Consideration was given to a resolution authorizing the Purchasing Director to dispose of property by private sale at a negotiated price.

The City Manager read the resolution which stated that the Department of Parks, Recreation and Public Facilities has recently felled a tree at Riverside Cemetery and this tree is white oak and of veneer grade, which the department estimates has a value of \$300.00. The Director of Parks, Recreation, and Public Facilities has declared this property surplus and would like to dispose of it as soon as possible. This resolution will authorize the disposition of this property by private sale at a negotiated price.

Upon motion of Councilman Myers, seconded by Councilman McDevitt, Resolution No. 83-69 was unanimously adopted.

Complete text of Resolution No. 83-69 will be found in Resolution Book No. 14 at page 23.

RESOLUTION NO. 83-70 - RESOLUTION AUTHORIZING THE CLOSING OF CAROLINA LANE ON FRIDAY, MAY 27, 1983 FROM 7:00 P. M. TO 12:30 A.M.

6. Consideration was given to a resolution authorizing the closing of Carolina Lane on Friday, May 27, 1983 from 7:00 p. m. to 12:30 a. m.

The City Manager read the resolution stating that the Lexington Park Association has requested that Carolina Lane be closed on Friday, May 27, 1983 from 7:00 p. m. to 12:30 a. m. for the purpose of a "TAMS" concert to be held in the Lexington Park Court Yard. The closing of this street would not create an undue hardship or inconvenience.

Upon motion of Councilwoman Frank, seconded by Councilman McDevitt, Resolution No. 83-70 was unanimously adopted.

Complete text of Resolution No. 83-70 will be found in Resolution Book No. 14 at page 24.

LAWSUITS - ASHEVILLE HOUSING AUTHORITY (CONDEMNATION OF FOREST PETTY PROPERTY)
(CONDEMNATION OF EMIL LICHTENFELS PROPERTY)

The City Manager advised that the City of Asheville was served with summonses in connection with the Asheville Housing Authority and the condemnation of Forest Petty property and condemnation of Emil Lichtenfels property.

Mayor Trantham referred the lawsuits to the Corporation Counsel for investigation and recommendation.

COMMENTS BY COUNCILMAN McDEVITT - STREET DEPARTMENT WORK ON MOUNT VERNON CIRCLE

Councilman McDevitt commended the Street Department for efficiently correcting a problem on Mount Vernon Circle in which he was involved.

GARY ROWE COMMENTS -THANKING COUNCILMEMBERS FOR WORK DONE IN NORTH ASHEVILLE

Gary Rowe thanked members of Council for the help the City has given to the residents in North Asheville on several occasions, such as the repaving work done at Ira B. Jones and the obstacle courses that were set up.

ADJOURNMENT

Upon motion of Councilman Myers, seconded by Vice-Mayor Price, the meeting adjourned at 6:20 p. m.

Wayne Trantham
MAYOR

William F. Dole
CITY CLERK

SCHEDULING PUBLIC HEARING - SITE PLAN OF A WELDING/POWER BUILDING AT ASHEVILLE-
BUNCOMBE TECHNICAL INSTITUTE

10. Councilman McDevitt moved to schedule a public hearing relative to the site plan of the proposed addition of a Welding/Power Building at Asheville-Buncombe Technical Institute for June 7, 1983. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING PUBLIC HEARING - WORDING AMENDMENT TO SECTION 30-3-15, DRIVEWAY ENTRANCE
REQUIREMENTS OF ZONING ORDINANCE #322.

11. Councilman McDevitt moved to schedule a public hearing relative to a proposed wording amendment to Section 30-3-15, Driveway Entrance Requirements (c) (2) of the Asheville Zoning Ordinance #322 for June 21, 1983. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING PUBLIC HEARING - WORDING AMENDMENT TO SECTION 30-6-1, GROUP DEVELOPMENTS/
PLANNED UNIT DEVELOPMENTS OF THE ASHEVILLE ZONING ORDINANCE #322

12. Councilman McDevitt moved to schedule a public hearing relative to a proposed wording amendment to Section 30-6-1, of the Asheville Zoning Ordinance No. 322 entitled Group Developments/Planned Unit Developments by adding a new paragraph (B.14) to set forth requirements for curb, gutter and sidewalk installation or replacement for June 21, 1983. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING PUBLIC HEARING - WORDING AMENDMENT TO SECTION 30-11-4 - RESUBMITTAL
OF PLANS FOR BUILDING PERMIT

13. Councilman McDevitt moved to schedule a public hearing relative to a proposed wording amendment to Section 30-11-4 of the Asheville Zoning Ordinance No. 322 relative to resubmittal of plans if building permit is not issued within one year for June 21, 1983. This motion was seconded by Councilman Myers and carried unanimously.

SCHEDULING PUBLIC HEARING - SITE PLAN OF PROPOSED "HAWTHORNE" TOWNHOUSES

14. Councilman McDevitt moved to schedule a public hearing relative to the site plan of the proposed "Hawthorne" townhouses to be located on Old Haw Creek Road for June 7, 1983. This motion was seconded by Councilman Myers and carried unanimously.

PROCLAMATION - NATIONAL TRANSPORTATION WEEK - MAY 16 - 20, 1983

15. Mayor Trantham proclaimed the week of May 16- 20, 1983 as "National Transportation Week."

CLAIMS - GROVER WHITESIDE (PUBLIC WORKS) - KENNETH HOLT (PARKS AND RECREATION) -
STEVE ANDREWS (PUBLIC WORKS) - STELLA H. CRISP (PUBLIC WORKS) - THELMA GENISE (WATER
AND SEWER)

The City Manager presented claims received from Grover Whiteside, Kenneth Holt, Steve Andrews, Stella H. Crisp, and Thelma Genise.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

Verl Emrick, Director of Planning, said under the provisions of an amendment adopted in April, 1978, Ordinance No. 1039, when a petitioner has received a recommendation of denial from the Planning and Zoning Commission and the appeal process is not carried through to City Council then the petitioner cannot be reheard in the same configuration before the Planning and Zoning Commission unless the petitioner brings a separate petition for an additional zoning study.

Since the appeal process was withdrawn Council took no action on the rezoning request.

PRESENTATION BY DR. JOHN CREECH - RELATIVE TO SISTER CITY KURUME, JAPAN

Mr. Morris McGough, Director of Western North Carolina Development Association, introduced Dr. John Creech of Hendersonville, who presented Mayor Trantham a gift of Japanese silk artwork on behalf of Toshiyuki Chikami, Mayor of the City of Kurume in southern Japan. The gift from the Japanese mayor was in response to a "key to the City of Asheville" recently sent by Mayor Trantham to the Mayor of the City of Kurume and delivered by Dr. Creech relative to the informal sister cities relationship.

PRESENTATION BY DAVID ANDERS - FIREFIGHTERS ASSOCIATION LOCAL 865

Mr. David Anders presented members of Council with the following prepared statement:

The wording of this study was prepared for the citizens of the City of Asheville. This will explain the wording of the contents.

Any wording of this study should not be viewed by anyone, as firefighters having any contempt or malice toward any department or city official. This is not our intent.

It is only out of sincere loyalty to the people we serve that we are responding to their needs, as we would to any call for help within the city.

Tuesday, May 24, 1983 - 4:00 p. m.

Regular Meeting

Present: Mayor Roy M. Trantham, Presiding; Vice-Mayor Norma T. Price, Councilwoman Wilhelmina B. Bratton, Councilmen Gordon Myers, Joe Pless and Larry McDevitt; Corporation Counsel William C. Moore; City Manager K. M. Michalove; Associate City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilwoman Mary Lloyd Frank (vacation)

INVOCATION

The invocation was given by Vice-Mayor Norma T. Price.

APPROVAL OF THE MINUTES

1. Approval of the minutes of the May 17, 1983 meeting.

Upon motion of Councilman Pless, seconded by Vice-Mayor Price, the minutes of the May 17, 1983 meeting were unanimously approved as submitted.

RECONSIDERATION OF REZONING PROPERTY - GROVE PARK INN COUNTRY CLUB

2. Reconsideration was given to the rezoning of property of the Grove Park Inn Country Club from R-1 Residential District to OI- Office Institutional District.

Mayor Trantham stated that consideration of this rezoning was continued from a public hearing process on May 17, 1983 pending additional information.

The City Manager read the following letter addressed to the City Clerk:

May 24, 1983

Mr. William F. Wolcott, Jr.
City Clerk
City of Asheville
Asheville, N. C. 28807

RE: Rezoning Petition -
Ward 9, Sheet 46, Portion of Lot #1

Dear Mr. Wolcott:

The Grove Park Inn hereby withdraws from consideration its request and petition previously filed wherein the Grove Park Inn sought rezoning of that portion of property designated in the original petition and as set out in the appeal to the City Council.

Very truly yours,

JACK M. WESTALL, JR., P.A.

/s/ Jack W. Westall, Jr.

Jack W. Westall, Jr.

DECLINE OF NORTH END FIRE PROTECTION

The beginning of this decline resulted from the closing of Fire Station No.4, located at 300 Merrimon Avenue beside Morris Funeral Home. At that point in time, this station housed one engine company and one ladder company, responding to virtually all regular alarms in the north section as well as the down town district. When a house or building fire occurred, the response time for all equipment to arrive was quite different than it is today. Numerous reasons were considered for the closing of the fire facility, but were these reasons justified by the obvious loss and decline in your fire protection? The Merrimon Avenue Station responded with 5 to 6 personnel on the two companies along with Engine No.7 (located next to the Naval Reserve Training Center on Larchmont Street) to virtually all areas in the north section. Pointing out that the ladder company with personnel did not respond on all residence fires, but was available each time a fire occurred. A backup engine from another area was dispatched to standby at the Larchmont Station in the event other emergency help was needed at the same time. You as citizens in the north section of the city no longer have this quality of fire protection. Firefighters believe this was a cost effective action resulting from ineffective, inefficient leadership in your city government.

NORTH END PROTECTION TODAY

The fire protection available in the north end today, in comparison to the fire protection in the past, is something you as tax paying citizens cannot be proud of. The Larchmont Station houses two engines, however, only one engine is mechanically sound and in service with three fire personnel. When the Merrimon Avenue Station was closed, Engine No.4 and personnel were

INTRODUCTION

At this critical point in time, firefighters of the Asheville Fire Department, who are members of Local 965, an affiliate of IAFF International Association of Firefighters, wish to express our views in a sincere effort to inform the citizens of Asheville of what we consider to be a serious decline in your fire protection. The main purpose of this advertisement, funded by the firefighters, is to carefully illustrate our position and to make you aware of administrative changes and events which have led to this obvious conclusion. As tax paying citizens, you have the moral and legal right to be made totally aware of the degree of efficiency of your Fire Department. It is our desire and intent to point out at this time through the following illustrations exactly how your Fire Department's efficiency has declined through what we consider poor ineffective leadership and higher administrative decisions.

For example, when a structure fire occurs in the north end, the Larchmont Station Engine and another from Headquarters responds. If the fire is serious the Fire Department is immediately faced with a difficult choice. CHOICE # 1 - If the only engine remaining in the down town area is dispatched to standby at the Larchmont Station, the down town area is subjected to no immediate fire protection coverage.

CHOICE # 2 - If no engine replacement is made at the Larchmont Station while Engine No.7 is on an emergency, the entire north section is without immediate coverage.

PREDISPATCHED EMERGENCIES

On many occasions Engine No.7 is dispatched to a brush, car or any number of other smaller fires. Again should a fire occur at your home or business, your nearest protection is 6 - 12 minutes away. Considering the low water pressure in many areas, response time of nearest engine companies and the first critical minutes of a fire, the closing of Station No.4 at 300 Merrimon Avenue was a tragic mistake for the north end as well as the down town merchants and residents. How can this be justified when the city continues to maintain this building? The tax payers from the Central Fire Station to the city limits north, have suffered through the loss of fire protection, while the city continues to use the structure for purposes other than which it was designed and built by your tax dollars. Where are the savings of your tax dollars, and where has your fire protection gone?

4-2

moved and reassigned to the Larchmont Station. The ladder company and personnel were permanently removed from the north section. Sometime later Engine No.4 was permanently removed from the north section and eventually from the Fire Department. At that point in time, a fire engine from the Headquarters Station was assigned to respond with the Larchmont Station. The following will illustrate the lack of concern for the citizen's safety and the obvious lack of insight and foresight for the quality of fire protection you are paying for.

ASSISTING ENGINE COMPANY RESPONSE TIME

The response time for the down town engine to assist the Larchmont Station's engine on a structure fire (in the Lakeshore Drive - Midland Drive - Stratford Road areas) could be as long as 6 - 12 minutes before arrival - referring to traffic and weather conditions and the possibility of Headquarters Companies being on other emergencies. In the event that the Larchmont Engine fails to start or is detained for any number of reasons, (predispatched alarm, engine accident on response) the north section is totally unprotected until a fire engine from the down town station could respond to your residence. After fire is discovered in your home or business, the first 3 - 5 minutes are the most critical.

STANDBY AVAILABILITY

In the past when the city had two engines in service in the north section and a fire occurred, one Headquarters Engine was dispatched immediately to standby at the Larchmont Station in the event a simultaneous emergency occurred, while leaving one engine and ladder company to protect the down town district. This quality of fire protection has been discontinued.

was found to be warped and distorted, apparently caused by some unknown pressure on the system. This memo also stated that until repairs are made and it is checked and certified by qualified personnel, the hydraulic system of Ladder No.2 which includes all movements of the aerial ladder should be used only in emergency rescue operations. If necessary to elevate and use this aerial ladder, it should be set at an angle not less than 70 degrees. This truck until further notice, must not be used for training practice or any other purpose, other than emergency life saving operations. -- This same ladder truck was put out of service, July 26, 1982, and has remained so ever since. In Chief Ball's statement in the Asheville Citizen of February of this year, perhaps he should of added -- "and the 100 foot aerial ladder will be ready for high-rise rescue as soon as City Hall channels adequate money to the Fire Department for repairs and hire enough firefighters to put it in service.

Chief Ball also failed to inform the citizens of the increased response time to down town high-rise fires. In recent years, the Fire Department had two engine companies, Snorkel No.1 and the 100 foot aerial responding from the Central Station. At that time, they were all capable of reaching the scene within 1 - 3 minutes. Today the Central Station is without the snorkel or ladder truck and reduced to two engine companies. It takes 5 - 8 minutes for the nearest backup equipment to assist the Headquarters Station Engine Companies. As a result of lack of firefighters and equipment at the Central Station, the chances of losing lives in down town high-rise fires today are increased by several hundred percent. The next high-rise fire (similar to those in the past) may very well prove we are right. Only with your help will we be able to avoid a future catastrophe.

2-8

DECLINE OF DOWN TOWN FIRE PROTECTION

31

In response to the Wilmington high-rise fire, Chief P. N. Ball was quoted by the Asheville Citizen on February 16, 1983. — The Fire Department has an 85 foot snorkel truck ^{which} ~~which~~ extends a bucket to about the eighth floor of buildings. He added the bucket can carry (9) nine people to safety. The department also has two aerial trucks with ladders. One can extend a ladder 100 feet, which is about the ninth floor of a building. The second truck has a 65 foot ladder. At least four pumpers and aerial trucks respond to an alarm involving a high-rise building.—We have quoted portions of Chief Ball's statements that seem to give the impression that the Asheville Fire Department had enough personnel and equipment in place for a major high-rise fire evacuation.

What Chief Ball did not say was, that due to the City Manager not funding enough money to reinforce Headquarters floor, the snorkel has been relocated 5 - 10 minutes from the most heavily occupied high-rise buildings without any significant decrease in response time to local hospitals. This piece of equipment is extremely heavy and is now stationed at Station No.2 (Livingston Street and South French Broad Avenue), which is the lowest elevation point in the city. The hydraulic boom operations are extremely slow, and this piece of equipment is also very slow in climbing sharply, elevated streets. The response time has been increased up to 12 - 15 minutes to Oteen Hospital, and the time to Tiara Apartments on Sunset Mountain is much longer.

In reference to the 100 foot aerial ladder, on February 12, 1982, a memorandum was issued by Chief P. N. Ball to fire personnel. -- This memo stated that the pulley frame on the bed section of Ladder Company No.2

WEST ASHEVILLE

In response to a recent inquiry in the Asheville paper about the closing of Station No. 3 on Oregon Avenue off Louisiana Avenue, Chief P. M. Ball of the Asheville Fire Department had the following to say -- His department has completed a study that shows that in most of West Asheville, Engine No. 6 (Haywood Road station) will almost always arrive at a fire scene before Engine No. 3. Even in the areas where Engine No. 3 would arrive first, Engine No. 6 would be less than two minutes behind. The two stations are approximately 3/4 mile apart. Chief Ball says that station No. 3 building could be used for administrative purposes letting the department vacate the current office space in the Municipal Building downtown. Our present offices are in poor condition and would cost as much or more to refurbish as the changes at Station No. 3 would cost.--Again we quoted portions of Chief Ball's statements that seem to indicate city officials are making wise decisions in the best interest of your fire protection.

Chief Ball failed to point out that the decision to place the new station at Oregon Avenue was his own with the approval of the City Manager. There were better strategic located sites near the old Station No. 3 at the time the present site was selected. Asheville firefighters verbally disapproved and a petition was passed by West Asheville citizens to keep the new station near its old location. Chief Ball is now admitting the response time study came several hundred thousand dollars and five years too late.

OTHER CONCERNS MUST BE CONSIDERED

West Asheville at the present is protected by two engine companies and one

413

Again in the down town area as well as the north end, the closing of Station No. 4 at 300 Merrimon Avenue has its devastating effects in the city's fire coverage decline. This station housed the backup and standby engine for the Headquarters engines when they were occupied on working fires.

For a more complete understanding of your down town fire protection, we urge you to carefully compare the overlapping effect on the north and west sections of the city with the down town area. The conclusion you will reach is a "rob Peter to pay Paul" policy to create an illusion that the city has adequate fire coverage, when in reality the unforeseen can and often does prove disastrous.

of Asheville residents, the better we feel. The Fire Chief and City Manager have made their cost effective proposal to the City Council. The fire coverage in West Asheville could very soon become critical as with the north end of the city.

Tell your elected officials that you oppose penny-wise pound-foolish gambling with your lives and property.

65 foot ladder. To close Station No.3 would eliminate one of these companies. In 1967, R. L. Smith, the Chief of the Asheville Fire Department at that time, recommended that a ladder company with additional men be placed in service at Station No.6 in West Asheville, in accordance with recommendations from the American Insurance Association. This was in addition to Engine No.3 and Engine No.6 which is the present level of fire protection. Additional areas have been annexed since that time and the need for all three companies are greater now than in 1967. To close Station No.3 on Oregon Avenue only compounds the mistakes already made. The present City Manager and Fire Department leaders have failed to understand fire protection needs as the Chief of years past. The key to quality fire protection is having enough personnel and equipment in place to respond quickly and efficiently.

OFFICE SPACE?

The Municipal Building is a historical building and the city is sure to make the necessary repairs and refurbish it. To reconstruct Station No.3 to accommodate office spaces is spending tax payers money twice. Judging by the patterns of the past, firefighters feel this is another plan to give some other department within the city the existing office space while reducing your fire coverage. If this plan continues to develop, firefighters feel that West Asheville will eventually end up with only one engine company. This was the final results after closing Station No.4, that was so vital for protection of the north end and down town areas of the city. It should be noted that the proposal to close the Oregon Avenue Station is being done at the time annexation of even further areas west are being considered.

The less gamble Asheville firefighters take with the lives and properties

trash cans setting under leaks in heavy downpours. -- The Snorkel has been moved to a disadvantageous location at the expense of a serious increase in response time to the most heavily populated buildings down town. Inadequate funds to reinforce truck room floors were responsible for this move. -- Training aids are almost nonexistent while the training officer's position has been deleted altogether. A convient area and facilities for training has been needed for over twelve years. -- In the past the department had a tanker to supply engine companies with needed water where hydrants were nonexistent and where water pressure has always been extremely low. We no longer have a tanker. -- There is no immediate rescue equipment of any significance available to fire personnel when needed. Any delay involved in waiting for the Buncombe County Rescue Squad to arrive could very well prove fatal to you or members of your family because of this neglect.

Within the city limits are 6 hospitals, 13 shopping malls, 30 motels and hotels, and 130 odd apartment buildings and complexes. There are also approximately 20 buildings that fit the high-rise category. The Asheville firefighters are responsible for the protection of the lives and properties of over 54,000 people in over 28,000 dwellings and businesses, 24 hours a day, 7 days a week. Low response time with adequate equipment to the people we are charged to protect is of the utmost importance. The present level of protection is critical and something must be done. The decline in your fire protection has been much like an unsuspected cancer within it's victim and by the time it is discovered it is too late to restore the health of years past. Good protection can be restored but not without your help!

We must point out that most fire personnel are city taxpayers themselves,

SUMMARY

The duty of the Asheville Fire Department is to preserve life and protect the property values and investments of the residents of the city from the loss of fire and other disasters. We, the Asheville firefighters, have proven in the past our urgency to serve our employers even to the loss of our own lives when it became necessary. It is with this same sense of loyalty that we wish to maintain adequate fire protection, for the citizens of the city. It has, however, become increasingly obvious from the past decline in your fire coverage and the planning for more decline in the future, that those who control the purse strings of your Fire Department do not share in the same vitality with which the firefighters themselves serve.

For example, the Fire Department reorganization has produced (6) six new mid-management positions with high salaries, when just a little over a year ago only three were needed. With minor changes in work schedule three positions would be sufficient today. In management it now takes four people with the highest salaries within the department, when (3) three years ago it took one to do the same work. With minor changes in department administrative policies, two positions would be more than adequate, with less confusion for the firefighters.

THE LIST GOES ON

It was concluded that the 100 foot aerial ladder was unsafe and bids were delayed for over a year with the Fire Chief returning unused department budget money to the city general fund while gambling that a high-rise disaster would not occur. This ladder remains unmanned and out of service today. -- Headquarters Station, in the Municipal Building, (Fire Department side only) has been declared unsafe in one area with

position the city has allocated an average of \$31,331.72 for each employee to work with. During the same year the Fire Department was allocated only \$22,383.01 for each authorized position. Since firefighters are faced with life threatening dangers in protecting lives and properties, does this sound like city officials have their priorities in order? Fire Department personnel are the first to recognize the need for recreational facilities for the well being of the citizens and growth of the city but other things must be considered as well. Since money from revenue sharing is no longer available for Parks and Recreation as it once was, and will not be forth coming, and since these park facilities are used by non-city residents as well as city taxpayers, isn't it obvious and imparitive at this time for the City Manager and Council to analize where their priorities lie.

Another comparison to show the neglect of your Fire Department is to compare the fire and police budget over the past three years. During the fiscal year 1980/81, the difference between the budgets of the departments was \$130,130 in the Police Department's favor. In the money approved for 1982/83 year, there was a difference of \$796,044, again the Police Department's favor. The Police Department has been able to increase their personnel this year while the Fire Department was forced by lack of funds and poor reorganization plans to decrease from 157 to 149 personnel. The Police Department has been able to buy new vehicles and crime protection equipment, while little consideration has been given to your fire protection. While we are in full agreement with officials that we need a well equipped Police Department, the comparison was illustrated only to show the lack of concern for your Fire Department.

City officials have already closed Fire Station No.4 at 300 Merrimon Avenue and removed an engine and ladder company charged with the protec-

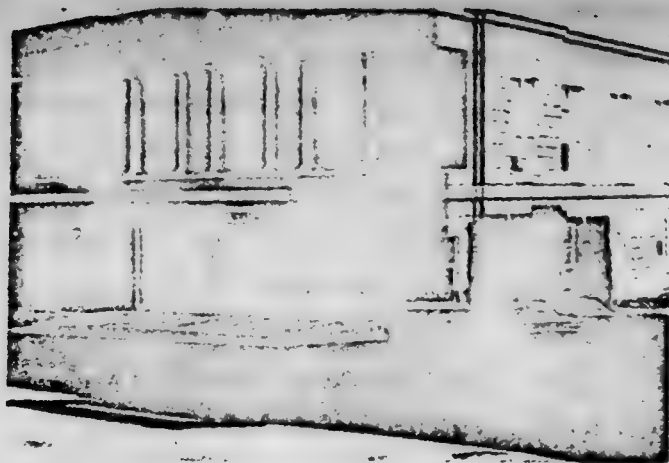
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and are of the opinion that the upgrading of your fire service need not come at the expense of higher taxes. We feel that the funds are already available within the city budget. We feel these funds have been channeled to fat within different departments and other less important activities. Example, -- In April of 1982, firefighters submitted an alternate reorganization plan to Chief P. N. Ball that would have saved the Fire Department budget in excess of \$125,000 per year with increases in savings every year after. On April 3, 1982, this plan was met with remarks from City Manager Ken Michalove in the Asheville paper. The remarks were quoted as follows: "There comes a time when the Chief has to run the Fire Department. Any ideas different from the city's plans are not welcome. The Chief is running the Fire Department, and other proposals are not being considered," Michalove said. "We are not running a popularity contest in the Fire Department to see who can come up with the best proposal." Mr. Michalove was also quoted as saying that the city's plan would increase fire protection while saving the city money.

We firefighters have seen no increase in your fire protection unless Mr. Michalove was referring to the new management positions. The only savings thus far has come from the neglect of buildings and equipment. The plans to take away Fire Station No. 3 and company may be the other savings he was referring to.

OTHER THINGS TO CONSIDER

Parks and Recreation is maintaining over 660 acres in 37 different parks within the city. The city has authorized 78 positions for the administrative and maintenance of all parks and recreation facilities and programs. This does not include the part-time summer help. For each authorized



Two years ago Headquarters Station in the Municipal Building housed two engine companies, one 85 foot snorkel and a 100 foot aerial ladder truck. The two engine companies and their crews are all that remain to give quick assistance to the more heavily populated area down town.

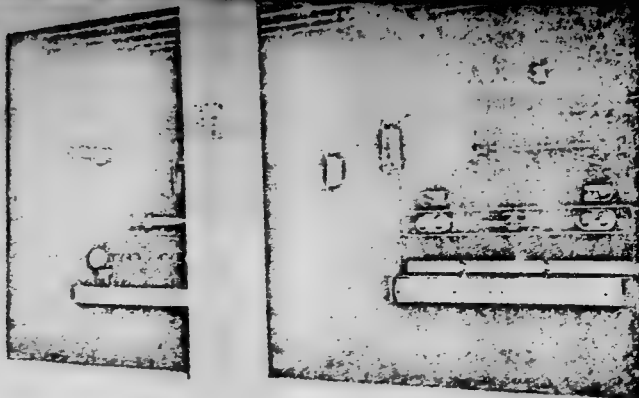
tion of the north end as well as the central area of the city. The same fire protection decline is being proposed for the West Asheville area. Any proposals to cut fire service manpower are false economy, especially when the changing of the Oregon Avenue Station will benefit only the few Chiefs of the Asheville Fire Department and deprive thousands of West Asheville Citizens of the professional fire protection their tax dollars are paying for. The only defense you have against disaster by fire is a first-class fire service. This means having enough personnel and equipment in place to respond quickly and efficiently when the alarm is given. This was the case before the Merrimon Avenue Station was closed. This is not the case today and there will be a further decline if the station in West Asheville is used for office space as has been proposed.

Weakening the fire service strength can mean increases in insurance rates, as well as posing the danger of inadequate response to alarms. Having fewer personnel on the scene enormously increases the possibility that a small fire can get out of control. Having fewer personnel available could lead to having fewer stations adequately manned, or keeping less equipment in the necessary state of readiness. This means slower, less effective response to your call of help.

<u>DEPARTMENTS</u>	<u>AUTHORIZED POSITIONS</u>	<u>TOTAL BUDGET</u>	<u>AVERAGE PER EMPLOYEE</u>
Council/Manager	5	\$ 135,652.00*	\$37,130.40*
Administrative			
Services	4	\$ 190,662.00	\$47,665.50
Finance Department	31	\$1,008,567.00	\$32,534.42
Public Works	152	\$5,293,723.00	\$34,827.13
Employee Services	12 $\frac{1}{2}$	\$ 338,791.00	\$27,103.28
Planning Department	6	\$ 183,462.00	\$30,577.00
Police Department	155	\$4,300,962.00	\$27,748.14
Civic Center	20	\$ 887,405.00	\$44,370.25
Data Processing	12	\$ 501,241.00	\$41,770.08
Print Shop	2	\$ 89,442.00	\$44,721.00
Motor Transport	19	\$1,545,308.00	\$81,332.00
Parks and Recreation	78	\$2,443,094.00	\$31,321.72
<u>Fire Department</u>	157	\$3,514,919.00	<u>\$22,388.01</u>

We have given you the total budget allotted to each department for the fiscal year 1982/83. These include projected salaries, fringe benefits and total operation costs. Dividing the total budget by number of employees gives an idea of what each employee has to work with, thus a reflection of what city officials think of your Fire Department. The Fire Department at this time has only 149 personnel, not the authorized 157. Firefighters wonder how much of our unused budget is Chief Ball planning to turn back in this year. The money he returned to city funds from 1981/82 could have helped repair the 100 foot ladder or Headquarters Station. There is still no plans to repair either from this years budget.

* Salaries and fringe benefits for Mayor and Council are excluded



North end fire protection is Station No.7 on Larchmont Street beside the Naval Reserve Training Center. Asheville Citizens see two engine companies and most are under the impression they have adequate coverage with quick response. The engine on the right is manned by (3) three personnel and the other is mechanically unsound and cannot be used.



This building, located at 300 Harrison Avenue, was built with tax payers money for the fire protection of north end residents. At one time it housed an engine and ladder company with personnel and was in a strategic location for down town response as well. Firefighter and equipment were removed, decreasing the fire coverage from down town to city limits north. This building is now used by the Water Department.

<u>DEPARTMENT</u>	<u>AUTHORIZED POSITION</u>	<u>OPERATING COST ONLY</u>	<u>AVERAGE PER EMPLOYEE</u>
Council/Manager	5	\$ 42,422.00	\$ 8,484.40
Administrative Services	4	\$ 74,012.00	\$18,503.00
Finance Department	31	\$ 471,133.00	\$15,197.84
Public Works	152	\$2,699,894.00	\$17,762.46
Employee Services	12½	\$ 66,219.00	\$ 5,297.52
Police Department	155	\$ 831,554.00	\$ 5,364.86
Civic Center	20	\$ 410,940.00	\$20,547.00
Data Processing	12	\$ 226,297.00	\$18,958.08
Print Shop	2	\$ 47,432.00	\$23,716.00
Motor Transport	19	\$1,182,140.00	\$31,332.00
Parks and Recreation	78	\$ 750,667.00	\$ 9,623.94
<u>Fire Department</u>	157	\$ 345,273.00	<u>\$ 2,199.22</u>

Any way the facts are presented, your fire protection is given the least consideration. --- Per employee, the departments that handle mostly paper work have more money to work with than the Fire Department.

<u>DEPARTMENTS</u>	<u>AUTHORIZED POSITIONS</u>	<u>TOTAL FRINGE BENEFITS</u>	<u>AVERAGE PER EMPLOYEE</u>
Council/Manager	5	\$ 19,676.00*	\$3,935.20*
Administrative Services	4	\$ 21,102.00	\$5,275.50
Finance Department	31	\$ 97,975.00	\$3,160.48
Public Works	152	\$472,412.00	\$3,107.97
Employee Services	12½	\$ 55,270.00	\$4,421.60
Planning Department	6	\$ 27,537.00	\$4,589.50
Police Department	155	\$944,347.00	\$6,092.56
Civic Center	20	\$ 73,539.00	\$3,676.95
Data Processing	12	\$ 48,171.00	\$4,014.25
Print Shop	2	\$ 7,047.00	\$3,523.50
Motor Transport	19	\$ 64,741.00	\$3,407.42
Parks and Recreation	78	\$266,401.00	\$3,415.40
<u>Fire Department</u>	157	\$422,557.00	<u>\$2,691.44</u>

Compare Fire Department fringe benefits (average per employee) with the other departments. City Fathers are well aware that firefighting is statistically proven to be the most hazardous occupation in the nation, yet fringe benefits is just another way to discriminate against your fire protection. The final results is a lower quality of new personnel in the future.

* Fringe benefits of Mayor and Council were excluded

RESOLUTION NO. 83-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH BUNCOMBE COUNTY, TO ALLOW THE COUNTY TO LEASE TRANSMITTER SPACE ON CITY-OWNED RADIO TOWERS

4. Consideration was given to a resolution authorizing the City Manager to sign an agreement with Buncombe County, to allow the County to lease transmitter space on city-owned radio towers.

The City Manager read the resolution which stated that the Buncombe County Emergency Medical Service is in need of tower space on which to locate four (4) two-way FM radio transmitters. The City and County have agreed to terms for leasing said space.

Upon motion of Councilman McDevitt, seconded by Councilman Myers, Resolution No. 83-73 was unanimously adopted.

Complete text of Resolution No. 83-73 will be found in Resolution Book No. 14 at page 27.

RESOLUTION NO. 83-74 - RESOLUTION FOR PARTICIPATION IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RENTAL REHABILITATION PROGRAM DEMONSTRATION, AND AUTHORIZATION FOR EXECUTION OF PARTICIPATION AGREEMENTS

5. Consideration was given to a resolution for participation in the Department of Housing and Urban Development Rental Rehabilitation Program Demonstration, and authorization for execution of participation agreements.

The City Manager read the resolution stating that the Department of Housing and Urban Development has designated the City of Asheville as a Rental Rehabilitation Program Demonstration City for designing and implementing a program to encourage investment in rental residential property, and provide rental assistance to low and moderate income residents of the City of Asheville and the Department of Housing and Urban Development has also designated the City of Gastonia as a Rental Rehabilitation Program Demonstration City. A financing arrangement by and between the City of Asheville, the City of Gastonia, NCNB National Bank of North Carolina, and the Federal National Mortgage Association would provide below market rate financing to participants in the Rental Rehabilitation Program Demonstration and aid in the success of the Demonstration.

Upon motion of Councilman Myers, seconded by Councilman Pless, Resolution No. 83-74 was unanimously adopted.

Complete text of Resolution No. 83-74 will be found in Resolution Book No. 14 at page 28.

COMMENTS BY COUNCILWOMAN BRATTON - CIVIL SERVICE BOARD APPOINTMENTS

Upon request of Councilwoman Bratton, a discussion was held relative to the possibility of inserting a short survey questionnaire in the City employees paychecks to obtain their feelings as to the effectiveness of the Civil Service Board.

After discussion, it was the consensus of Council to discuss this matter at pre-council next week and determine what information Council would like to receive from the employees relative to the Civil Service Board.

After discussion, several members of Council assured Mr. David Anders that they would read and review the report presented.

Councilman Pless suggested that David Anders and other firemen interested to come to the Council meeting next week to discuss the report after Council members have had an opportunity to review the report.

Councilman McDevitt requested that the document presented by Mr. Anders be made a part of the minutes of the meeting.

PUBLIC HEARING - SITE PLAN "EVERGREEN RIDGE RETIREMENT CENTER" - RICEVILLE ROAD

3. A public hearing was held relative to the site plan of the "Evergreen Ridge Retirement Center" to be located on Riceville Road.

Mayor Trantham opened the public hearing at 4:51 p.m.

The City Manager presented the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Sonya Luckadoo, from the Planning Department, said the Planning and Zoning Commission at a meeting held April 27, 1983, reviewed the site plan of the "Evergreen Ridge Retirement Center" to be located on Riceville Road. The plan was prepared by Sherertz, Franklin, and Shaffner, Architects, for Mr. Joe Shadrack, Housing Management, Development and submitted in accordance with the Group Development Section of the Asheville Zoning Ordinance. After review and discussion of the plan, the Commission voted to recommend approval to City Council subject to the following conditions:

- 1) Approval of sewer line agreement by Buncombe County and the Federal Government;
- and 2) Granting a variance in the parking requirements to permit 1.75 spaces per unit.

Ms. Luckadoo said the project would consist of 183 apartment units to be constructed from three (3) buildings on the VA Hospital property being renovated. She said all sewer has been approved for the project. She said the developer is requesting a variance in the parking requirements from 2 spaces to 1.75 spaces per unit.

Mr. Joe Shadrack, Developer, spoke in support of the project and said 32 of the units would be furnished and rented on a weekly basis to out patients at the Oteen VA Hospital. He said the remaining units would be for adults 45 years of age and older and would rent from \$280 to \$450 per month. He said he would like a variance on the parking requirements in order to construct a tennis court in the back of the apartments.

After discussion, Mayor Trantham closed the public hearing at 5:07 p. m.

Councilman McDevitt moved to approve the site plan of the "Evergreen Ridge Retirement Center" to be located on Riceville Road. This motion was seconded by Councilman Pless and carried unanimously.

RESOLUTION NO. 83-75 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS, RECREATION, AND PUBLIC FACILITIES TO MAKE APPLICATION FOR A GRANT FOR LANDSCAPING PUBLIC PARKS AND RECREATION AREAS

Consideration was given to a resolution authorizing the Director of Parks, Recreation, and Public Facilities to make application for a grant for landscaping public parks and recreation areas.

The City Manager read the resolution stating that this would authorize the Director of Parks, Recreation and Public Facilities to file an application for up to \$50,000 to the North Carolina Department of Natural Resources and Community Development for landscaping work in the Asheville parks and recreation areas. He said as much emphasis as possible would go to landscaping downtown.

Upon motion of Vice-Mayor Price, seconded by Councilwoman Bratton, Resolution No. 83-75 was unanimously adopted.

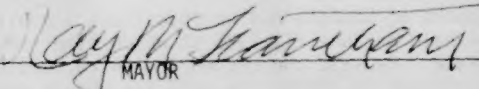
Complete text of Resolution No. 83-75 will be found in Resolution Book No. 14 at page 29.

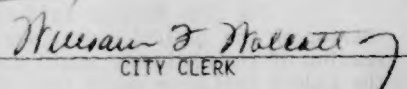
COMMENTS BY RALPH BISHOP - RELATIVE TO POLICE DEPARTMENTS AND THE CITY MANAGER

Ralph Bishop again appeared before Council expressing disapproval of the Asheville Police Department and the City Manager.

ADJOURNMENT

Upon motion, the meeting adjourned at 6:30 p. m.


MAYOR


CITY CLERK

159

COMMENTS BY COUNCILMAN MYERS - LAND ACROSS FROM FIRST COMMERCIAL BANK - REDEVELOPMENT AREA

Councilman Myers said he would like it in the records of City Council minutes that when the preliminary feasibility study was made by the Zuchelli, Hunter and Associates several weeks ago they outlined areas in the downtown area as redevelopment areas. He said one of the areas they proposed to put a parking garage on is across from First Commercial Bank, for whom he works, and that he had entered into a long term lease/purchase agreement with the option to buy the property some five (5) months ago. He said this was prior to the Zuchelli, Hunter and Associates proposal and the contract was negotiated in December, 1982.

COMMENTS BY COUNCILMAN PLESS - GLEN FALLS ROAD BRIDGE PROJECT

Upon inquiry of Councilman Pless, the City Manager said construction of the Glen Falls Road Bridge is about a year away. He said the engineering contracts and all documents are underway.

ANNOUNCEMENT BY COUNCILWOMAN BRATTON - MEETING RELATIVE TO ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

Councilwoman Bratton reminded members of Council that a public meeting would be held tonight at 7:30 p. m. in the Council Chambers relative to receiving input for the direction of the Community Relations Council for the coming year. She said some 50 organizations would be attending the meeting.

COMMENTS BY VICE-MAYOR PRICE - RESOLUTION OF COMMENDATION TO COMMUNITY ARTS COUNCIL

Vice-Mayor Price requested that a resolution of commendation be prepared for Council consideration next week commending the Community Arts Council, the Junior League of Asheville and the Community Foundation of WNC on their recent successful United Arts Fund Drive.

CLAIMS - FREDDIE SEXTON (WATER & SEWER) - RACHEL LIVENGOOD (WATER & SEWER) WC JOHNSON (WATER & SEWER) - DAVID PARKER (WATER & SEWER) - KEN WARD (PUBLIC WORKS) - WEAVER TAYLOR (PARKS AND RECREATION)

The City Manager presented claims received from Freddie Sexton, Rachel Livengood, W. C. Johnson, David Parker, Ken Ward, and Weaver Taylor.

Mayor Trantham referred the claims to the Corporation Counsel for investigation and recommendation.

BUDGET SCHEDULE FOR FISCAL 1983/84

The City Manager said if members of Council had no objections a public hearing on the 1983/84 Budget would be held on June 21, 1983 at which time the first reading of the ordinance would take place. He said the second and third reading of the budget ordinance would take place on June 28, 1983. He said the budget would be presented at next week's Council meeting after which time it would be on file in the Office of the City Clerk for review.

Vol. 10V

1983-1984

Pass. Not cons.